

MEETING
STATE OF CALIFORNIA
AIR RESOURCES BOARD

CALEPA HEADQUARTERS
BYRON SHER AUDITORIUM
SECOND FLOOR
1001 I STREET
SACRAMENTO, CALIFORNIA

THURSDAY, SEPTEMBER 27, 2018
9:15 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

A P P E A R A N C E S

BOARD MEMBERS:

Ms. Mary Nichols, Chair

Ms. Sandra Berg, Vice Chair

Dr. John Balmes

Hector De La Torre

Senator Dean Florez

Assembly Member Eduardo Garcia

Supervisor John Gioia

Ms. Judy Mitchell

Supervisor Ron Roberts

Dr. Alex Sherriffs

Professor Dan Sperling

Ms. Diane Takvorian

STAFF:

Mr. Richard Corey, Executive Officer

Ms. Edie Chang, Deputy Executive Officer

Mr. Steve Cliff, Deputy Executive Officer

Mr. Kurt Karperos, Deputy Executive Officer

Ms. Ellen Peter, Chief Counsel

Ms. La Ronda Bowen, Ombudsman

Ms. Emily Wimberger, Chief Economist

Ms. Veronica Eady, Assistant Executive Officer

A P P E A R A N C E S C O N T I N U E D

STAFF:

Ms. Sarah Aird, Californians for Pesticide Reform

Ms. Anthy Alexiades, Air Resources Engineer, Alternative Fuels Section, Industrial Strategies Division (ISD)

Ms. Heather Arias, Branch Chief, Community Planning Branch, Office of Community Air Protection (OCAP)

Mr. Michael Benjamin, Division Chief, Air Quality Planning and Science Division

Mr. Ian Cecere, Attorney, Legal Office

Ms. Monique Davis, Staff Air Pollution Specialist, Community Planning Section, OCAP

Mr. Jim Duffy, Manager, Alternative Fuels Section, ISD

Ms. Catherine Dunwoody, Division Chief, Monitoring and Laboratory Division

Mr. Vernon Hughes, Branch Chief, Community Assessment Branch, OCAP

Ms. Karen Magliano, Division Chief, OCAP

Mr. Gabriel Monroe, Attorney, Legal Office

Ms. Melissa Niederreiter, Air Pollution Specialist, State Strategy Section, OCAP

Mr. Nick Rabinowitsh, Senior Attorney, Legal Office

Ms. Rajinder Sahota, Assistant Division Chief, ISD

Ms. Elizabeth Scheehle, Branch Chief, Oil and Gas and GHG Mitigation Branch, ISD

Mr. Craig Segall, Assistant Chief Counsel, Legal Office

Mr. Floyd Vergara, Division Chief, ISD

Mr. Samuel Wade, Branch Chief, Transportation Fuels Branch, ISD

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Alan Abbs, California Air Pollution Control Officers Association

Mr. Cesar Aguirre, Central California Environmental Justice Network

Mr. Gustavo Aguirre, Center on Race, Poverty and the Environment

Mr. Ernesto Arevalo, Communities for a Better Environment

Ms. Martha Dina Argüello, Physicians for Social Responsibility

Ms. Meg Arnold, Valley Vision

Mr. Ray Askins, Comite Civico Del Valley

Ms. Jacqueline Ayer, Association of Rural Town Councils

Mr. Jason Barbose, Union of Concerned Scientists

Mr. Will Barrett, American Lung Association

Mr. Mario Bautista

Ms. Rebecca Baskins, LA Advanced Biofuels Alliance

Ms. Esther Bejorano

Mr. Jack Broadbent, Bay Area Air Quality Management District

Mr. Bob Brown, Western States Petroleum Association

Mr. Tim Brown, FirstElement Fuel

Mr. Tony Brunello, Conestoga Energy Partners

Ms. Kelly Burns, representing Senator Richard Pan

Mr. Todd Campbell, Clean Energy

Sacramento City Council Member Larry Carr

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Ruscal Cayangyang, representing Richmond City Council
Member Jovanka Beckles

Ms. Fe Chi, Tesla

Ms. Kristin Connelly, East Bay Leadership Council

Ms. Katie Cox, Breathe California

Ms. Noelle Cremers, California Farm Bureau Federation

Mr. Myles Culhane, Occidental Petroleum

Ms. Maris Densmore, California Resources Corporation

Mr. Matt Dessert, Imperial County Air Pollution Control
District

Mr. Kim Do, White Energy, Inc.

Ms. Erin Donnette, World Energy

Mr. Tyson Eckerle, ZEV Infrastructure

Mr. Shiloh Everette, Rose Foundation

Mr. Philip Father, Scepter Air

Mr. Randal Friedman, United States Navy, Southwest Region

Ms. Genevieve Gale, Central Valley Air Quality Coalition

Ms. Lilian Garcia

Ms. Nariah Garcia, Rose Foundation

Ms. Esther Golsby, Communities for a Better Environment

Ms. Margaret Gordon, West Oakland Environmental Indicators
Project

Mr. Kevin Hamilton, Central California Asthma
Collaborative

Mr. Scott Hedderich, Renewable Energy Group

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Lois Henry, BizFed, Central Valley

Mr. Allen Hernandez, Center for Community Action and
Environmental Justice

Ms. Lizette Hernandez, Physicians for Social Responsibility

Mr. Miguel Hernandez, Komite Civico Del Valle

Mr. Christopher Hessler, AJW

Mr. Tido Thac Hoang, Vietnamese American Community of
Sacramento

Ms. Sahara, Huazano, Alianza Coachella Valley

Mr. Thomas Jacob, Chemical Industries Council of
California

Ms. Janet Johnson, Richmond Progressive Alliance

Ms. Nina Kapoor, Coalition for Renewable Natural Gas

Mr. Robert Kard, San Diego Air Pollution Control District

Mr. Neil Koehler, Pacific Ethanol

Ms. Nikita Korradi, Natural Resources Defense Council

Ms. Janice Lam-Snyder, Sacramento Metropolitan Air Quality
Management District

Mr. Bill Lamarr, California Small Business Alliance

Mr. John Lane, Cleaner Air Partnership

Mr. John Larrea, California League of Food Producers

Ms. Christal Lazard, Institute of Local Government

Mr. Paul Lau, Sacramento Municipal Utility District

Mr. Thomas Lawson, California Natural Gas Vehicle
Coalition

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Julia Levin, Bioenergy Association of California

Ms. Marilyn Limon, representing Assembly Member Miguel Santiago

Ms. Christina Lokke, Sacramento Area Council of Governments

Ms. Violeta Lopez,

Mr. Humberto Lugo, Comite Civico Del Valley

Mr. Bill Magavern, Coalition for Clean Air

Mr. Kevin Maggay, SoCalGas

Ms. Anabel Marquez, Center on Race, Poverty and the Environment

Mr. Jesse Marquez, Coalition for a Safe Environment

Ms. Roslynn Martinez, Comite Civico Del Valley

Ms. Nyamin Martinez, Central California Environmental Justice Network

Ms. Julia May, Communities for a Better Environment

Assembly Member Kevin McCarty

Mr. Brian McDonald, Andeavor

Mr. Pat McDuff, California Fueling

Ms. Amanda Munetan, Kern Citizens for Energy

Mr. Colin Murphy, Next Generation California

Ms. Amanda Myers, ChargePoint

Ms. Deepika Nagabushan, Clean Air Task Force

Ms. Zolboo Namkhaidorj, Communities for a Better Environment

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Wayne Nastri, South Coast Air Quality Management District

Ms. Shelby Neal, National Biodiesel Board

Mr. Graham Noyes, Noyes Law Group

Mr. John O'Donnell, Glass Point

Mr. Luis Olmedo, Comite Civico Del Valle

Ms. Silvia Paz, Alianza Coachella Valley

Mr. Brian Pellens, California Resources Corporation

Mr. George Peridas, Natural Resources Defense Council

Ms. Leticia Phillips, UNICA, Brazilian Sugar Cane Industry Association

Ms. Martha Ponce

Mr. Luis Portillo, Inland Empire Economic Partnership

Ms. Angelina Rahimi, Franklin Neighborhood Development Corporation

Ms. Manuela Ramirez

Ms. Julia Rege, Association of Global Automakers

Ms. Laura Renger, Southern California Edison

Ms. Tiffany Roberts, Western States Petroleum Association

Ms. Katelyn Roedner Sutter, Environmental Defense Fund

Ms. Itzel Rojas, Rose Foundation

Mr. Rocky Rushing, Coalition for Clean Air

Ms. Kristian Salgado

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Ivanka Sanchez, Leadership Counsel for Justice and Accountability

Ms. Magali Sanchez-Hall, Communities for a Better Environment

Ms. Byanka Santoy, Center on Race, Poverty and the Environment

Mr. Ryan Schuchard, CALSTART

Mr. Michael Shaw, California Manufacturers and Technology Association

Mr. Samir Sheikh, San Joaquin Valley Air Pollution Control District

Mr. Roy Sianez, representing Assembly Member Jim Cooper

Mr. Chris Smith, Sacramento Metropolitan Chamber of Commerce

Ms. Josefina Sosa

Mr. Andres Soto, Communities for a Better Environment

Ms. Paulina Torres, Center on Race, Poverty and the Environment

Ms. Felipa Trujillo, Center on Race, Poverty and the Environment

Ms. Stephanie Tsai, California Environmental Justice Alliance

Ms. Norma Turner

Mr. Norm Ueanten, Crimson Renewable

Mr. Tom Umenhofer, Western States Petroleum Association

Mr. Refugio Valencia, Center on Race, Poverty and the Environment

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Kathleen VanOsten, United Airlines

Mr. Emanuel Wagner, California Hydrogen Business Council

Ms. Janet Whittick, California Council for Environmental
and Economic Balance

Mr. Tyrone Rodrick Williams, Sacramento Housing and
Redevelopment Agency

Ms. Joy Williams, Environmental Health Coalition

Ms. LaDonna Williams, All Positive Possible

Ms. Sarah Wiltfong, BizFed, Los Angeles

Mr. Andy Wunder, Environmental Entrepreneurs

Mr. Carlos Zambrano, Rose Foundation, New Voices Are
Rising

Ms. Rebecca Zaragoza, Leadership Counsel for Justice and
Accountability

I N D E X

	PAGE
Call to Order	1
Pledge of Allegiance	1
Opening remarks by Chair Nichols	2
Roll Call	4
Item 18-7-1	
Chair Nichols	5
Motion	6
Vote	6
Item 18-7-2	
Chair Nichols	6
Motion	7
Vote	7
Item 18-7-3	
Chair Nichols	7
Executive Officer Corey	10
Staff Presentation	12
Mr. Abbs	32
Mr. Nastri	33
Mr. Sheikh	38
Mr. Broadbent	43
Mr. Kard	50
Mr. Dessert	53
Ms. Lam Snyder	56
Ms. Limon	64
Assembly Member McCarty	62
Ms. Burns	67
Sacramento City Council Member Carr	69
Mr. Cayangyang	71
Mr. Sianez	73
Mr. Lane	74
Mr. Lau	76
Ms. Lokke	78
Mr. Father	79
Mr. Smith	80
Ms. Wiltfong	82
Ms. Henry	86
Ms. Munetan	89
Ms. Roberts	90
Ms. Ayer	93
Mr. Lamarr	96

I N D E X C O N T I N U E D

	PAGE
Ms. Sanchez-Hall	98
Ms. Johnson	101
Mr. Soto	103
Ms. Namkhaidorj	105
Ms. Golsby	106
Ms. LaDonna Williams	108
Ms. Connelly	112
Ms. Janet Whittick	115
Ms. Arnold	117
Ms. Cox	120
Mr. Rodrick Williams	122
Ms. Gordon	125
Ms. Nayamin Martinez	128
Mr. Gustavo Aguirre	130
Mr. Hamilton	132
Mr. Marquez	136
Mr. Allen Hernandez	141
Mr. Arevalo	145
Mr. Olmedo	150
Ms. Salgado	152
Ms. Turner	153
Ms. Lazard	155
Mr. Portillo	158
Ms. Cremers	160
Ms. Joy Williams	162
Mr. Larrea	165
Ms. Villa	168
Ms. Turner	170
Mr. Miguel Hernandez	172
Ms. Roedner Sutter	174
Ms. Rahimi	176
Ms. Trujillo	177
Ms. Marquez	178
Ms. Santoy	179
Ms. Torres	181
Mr. Valencia	183
Mr. Cesar Aguirre	184
Mr. Roslynn Martinez	187
Ms. Ponce	189
Ms. Bejorano	190
Mr. Lugo	191
Mr. Zambrano	193
Ms. Rojas	195
Mr. Zambrano	196
Ms. Nariah Garcia	197
Mr. Everette	198

I N D E X C O N T I N U E D

	PAGE
Mr. Barrett	198
Mr. Askins	201
Ms. Paz	201
Ms. Huazano	204
Ms. Garcia	206
Ms. Aird	207
Mr. Renger	211
Ms. Dina Argüello	212
Ms. Lizette Hernandez	214
Mr. Jacob	217
Ms. Tsai	219
Ms. Gale	222
Mr. Friedman	224
Mr. Magavern	226
Ms. Sanders	228
Ms. Ramirez	230
Ms. Sosa	231
Mr. Bautista	232
Ms. Zaragoza	233
Ms. Lopez	236
Ms. May	237
Mr. Brown	240
Mr. Shaw	241
Mr. Hoang	244
Board Discussion and Q&A	247
Motion Resolution 18-37	290
Vote	290
Board Discussion and Q&A	290
Motion Resolution 18-33	320
Vote	320
Item 18-7-4	
Chair Nichols	321
Executive Officer Corey	322
Staff Presentation	323
Ms. Feldon	334
Mr. Douglas	339
Ms. Tutt	341
Mr. Hedderich	346
Mr. Eckerle	347
Ms. Donnette	348
Mr. Neil Koehler	348
Ms. Neal	350
Mr. Pellens	351
Mr. Barrett	353
Mr. Peridas	355

I N D E X C O N T I N U E D

	PAGE
Ms. Nagabushan	357
Mr. Ueanten	358
Ms. Myers	360
Ms. Densmore	362
Mr. Do	362
Mr. Culhane	363
Mr. Brunello	365
Ms. Roedner Sutter	366
Mr. McDuff	367
Mr. Umenhofer	371
Mr. Noyes	373
Mr. Rushing	374
Ms. Kapoor	375
Mr. Baskins	376
Mr. McDonald	377
Ms. Koraddi	378
Ms. Levin	379
Ms. Phillips	381
Mr. Murphy	382
Mr. Campbell	384
Ms. Chi	386
Mr. Barbose	387
Mr. Wunder	389
Mr. Schuchard	391
Mr. Wagner	392
Mr. Tim Brown	392
Mr. O'Donnell	393
Ms. Rege	394
Ms. VanOsten	395
Mr. Maggay	396
Mr. Hessler	398
Mr. Lawson	398
Board Discussion and Q&A	400
Motion	413
Vote	413
Public Comment	413
Adjournment	413
Reporter's Certificate	414

1 P R O C E E D I N G S

2 CHAIR NICHOLS: Good morning, ladies and
3 gentlemen. Welcome to the newly refurbished -- could we
4 please get people seated.

5 Thank you.

6 I am smashed up against the desk here with my
7 feet on a little footstool, so I can see the staff in the
8 front row, and hopefully all of you can see me. They did
9 a terrific job of expanding the dais here, and it's even a
10 little easier to see folks, because it's slightly curved.
11 But we don't yet have the system going that's going to
12 allow the Board members to flick a switch and indicate
13 when they want to be called on, so you're still going to
14 have to wave frantically, and I will do my best.

15 BOARD MEMBER SPERLING: We're used to do that.

16 CHAIR NICHOLS: I'll do my best to look in both
17 directions and be fair. So other than that, I think this
18 is a big improvement. And we can all see our screens,
19 which is going to be great for watching the programs
20 behind us, there's extra cameras. So if there are people
21 out there outside the world of this building, who are
22 watching us on their computers, hopefully they'll get a
23 better picture of what's going on here as well. We also
24 have two podiums, which are both functioning. So when we
25 have people ready to come forward to speak, I'm hoping

1 that you will lineup on both sides, and that will make it
2 easier to move the proceedings along, especially because
3 we've got a lot -- a lot of people to hear from today.

4 So before we begin, that was a prelude to the
5 actual opening of the meeting, thanks for being here. And
6 the meeting will come to order and we'll begin with the
7 Pledge of Allegiance. The flags are now behind us instead
8 of off in a corner.

9 (Thereupon the Pledge of Allegiance was
10 recited in unison.)

11 CHAIR NICHOLS: Thank you. Just a couple of
12 opening announcements. First of all, we have
13 interpretation services available in Spanish for item
14 number 18-7-3, the AB 617 Community Air Protection
15 Program. And there are headsets available outside the
16 room, if anyone would like them, at the attendance sign-up
17 table, and I'll ask the translator to now repeat my
18 remarks in Spanish.

19 (Thereupon the interpreter translated
20 in Spanish.)

21 CHAIR NICHOLS: Thank you.

22 For safety reasons, please note the emergency
23 exits to the rear of the room. In the event of a fire
24 alarm, we're required to evacuate this room immediately
25 and go down the stairs and outside the building until we

1 hear the all-clear signal. And then we can return to the
2 hearing room. Anyone wanting to testify should fill out a
3 request-to-speak form. These are available in the lobby
4 outside the Board room, please turn them into the Board
5 assistant or Clerk of the Board prior to the commencement
6 of the item.

7 Another change for some of you who are familiar
8 with the old set up, the clerk and the staff are now on
9 this side of the room. And we have the visual --
10 audio/visual folks on the other side of the room. And
11 they're -- never the twain shall meet.

12 Also speakers should be aware that we'll be
13 imposing our usual three minute time limit. We appreciate
14 it if you state your first and last name when you come up
15 to the podium, but then put your testimony into your own
16 words rather than reading it. Your written remarks, if
17 you have prepared them, will be included in the record.

18 And I should say that we're going to do our very
19 best knowing how many people have asked to participate to
20 not shorten that three-minute time limit. Three minutes
21 is pretty short, but I am hoping, and I know there's been
22 quite a bit of work done coming into today's hearing, that
23 different groups that sort of belong with each other that
24 are here from the same region, or for the same specific
25 point will find a way to get together and make their

1 presentation as a group, and hopefully not use up three
2 minutes by three minutes for every person who's here.

3 Before we go further, we need to officially call
4 the roll. So looking in the right direction here, Madam
5 Clerk, would you please call the roll.

6 BOARD CLERK DAVIS: All right. Dr. Balmes?

7 BOARD MEMBER BALMES: Here.

8 BOARD CLERK DAVIS: Mr. De La Torre?

9 Mr. Eisenhut?

10 Senator Florez?

11 BOARD MEMBER FLOREZ: Here.

12 BOARD CLERK DAVIS: Assembly Member Garcia?

13 BOARD MEMBER GARCIA: Present.

14 BOARD CLERK DAVIS: Supervisor Gioia?

15 BOARD MEMBER GIOIA: Here.

16 BOARD CLERK DAVIS: Senator Lara?

17 Mrs. Mitchell?

18 BOARD MEMBER MITCHELL: Here.

19 BOARD CLERK DAVIS: Mrs. Riordan.

20 Supervisor Roberts?

21 BOARD MEMBER ROBERTS: Here.

22 BOARD CLERK DAVIS: Supervisor Serna?

23 Dr. Sherriffs?

24 BOARD MEMBER SHERRIFFS: I'm here, but this looks
25 so unfamiliar. Am I in the right room?

1 (Laughter.)

2 BOARD CLERK DAVIS: Professor Sperling?

3 BOARD MEMBER SPERLING: Here.

4 BOARD CLERK DAVIS: Ms. Takvorian?

5 BOARD MEMBER TAKVORIAN: Here.

6 BOARD CLERK DAVIS: Vice Chair Berg?

7 VICE CHAIR BERG: Here.

8 BOARD CLERK DAVIS: Chair Nichols?

9 CHAIR NICHOLS: Here.

10 BOARD CLERK DAVIS: Madam Chair, we have a
11 quorum.

12 CHAIR NICHOLS: Good. In that case, I think
13 we're ready to move into the consent calendar. The first
14 item on the Consent calendar is Item number 18-7-1,
15 California infrastructure SIP revision for the 0.07 parts
16 per million federal eight-hour ozone standard. We did
17 receive a comment during the public comment period. It
18 was considered and determined to be non-substantive with
19 respect to this item. So it -- the item is still on the
20 consent calendar. A copy of the comment is available, if
21 anybody wants to look at it outside the room. I will ask
22 the clerk if any witnesses have signed up to testify on
23 this item.

24 No.

25 BOARD CLERK DAVIS: No, ma'am.

1 CHAIR NICHOLS: Thank you. Okay.

2 So are there any Board members who would like
3 this item to be removed from the consent calendar?

4 Seeing none, in that case, we can close the
5 record, and ask if you've all had an opportunity to review
6 the resolution. If I can get a motion and a second.

7 BOARD MEMBER ROBERTS: I'll move approval.

8 CHAIR NICHOLS: A motion from Supervisor Roberts.

9 VICE CHAIR BERG: Second.

10 CHAIR NICHOLS: Second by Ms. Berg.

11 Then let's do a voice vote.

12 All in favor please say aye?

13 (Ayes.)

14 CHAIR NICHOLS: Opposed?

15 Abstentions?

16 Great. Thank you.

17 And we also have another consent item on the
18 calendar, 18-7-2. It's the same procedure here. This is
19 the environmental comments from John R. Lawson Rock & Oil
20 Inc. regarding Board Item 18-1-4. We've, I think, had
21 this item before us a couple of times in the past.

22 So, no comments received on this one. Is there
23 anybody who wants to take it off consent?

24 Okay. Seeing none. Then we'll close the record
25 and again ask for a resolution.

1 VICE CHAIR BERG: So moved.

2 BOARD MEMBER ROBERTS: I'll second.

3 CHAIR NICHOLS: Moved by Vice Chair Berg,
4 seconded by Supervisor Roberts.

5 All in favor please say aye?

6 (Ayes.)

7 CHAIR NICHOLS: And any noes?

8 Abstentions?

9 Okay. Great.

10 Moving right along to the -- to the main part of
11 our agenda here. The next item is AB 617, the Community
12 Air Protection Program. A community focused approach to
13 improving air quality and public health in communities
14 that are disproportionately burdened by unhealthy levels
15 of air pollution.

16 This has been an enormously important undertaking
17 for the Board and I'm excited by the progress, by the turn
18 out for the item. And I know every member of this Board
19 has spent considerable amount of time participating in,
20 learning about and following all of the issues related to
21 this program. So we're really anxious to get into it.

22 I do want to just briefly say that the success of
23 this program is going to depend on building relationships.

24 It doesn't pull very well.

25 Sorry. Let's see, I can move it up. Okay.

1 Is that better? Can you hear me now?

2 In the back of the room you can hear me?

3 Okay. Great.

4 I'm not going to say what I said before. I'll
5 just proceed. So the importance of this program I don't
6 think needs further explanation when we talk about the
7 numbers of communities that are still in this state that
8 are experiencing unacceptable air quality. And through
9 this program, we have an opportunity to provide new
10 resources and tools and to change some landing-standing
11 aspects of the way we deliver air quality services in our
12 state.

13 It's a place where California can once again lead
14 the nation as we have on clean car standards, and on
15 greenhouse gases. And I'm really proud to say that we've
16 begun to build relationships at the community level
17 working with the districts, our partners, and with the
18 many other organizations and groups of residents who care
19 very much about air quality and health issues.

20 So this is not something that is going to emerge
21 as a fully fleshed out program overnight. Building it is
22 going to take some time. And I am expecting that we'll
23 have both formal progress reports, and informal progress
24 reports as Board members attend meetings or learn from
25 constituents of their own about what their concerns are,

1 that this is going to be very much a living program. But
2 there will be opportunities along the way to make changes,
3 and to provide further Board formal direction over time.

4 Today, what we're considering is some basic
5 program requirements, and the selection of a group of
6 communities that have been chosen to be part of an initial
7 selection of areas where we will be learning and
8 demonstrating and developing some of the new ways of doing
9 business, but we have to limit the numbers that are
10 included in that group. I know any time you create a
11 club, there are people who are in it, and there are people
12 who are out of it. But I'm hoping very much that we can
13 make a selection that's based on criteria that will allow
14 us mostly to really demonstrate that we can administer
15 this program in a way that makes a difference to the
16 communities, and that we can learn some process and other
17 lessons from it that will then allow this to serve as
18 bottles for others moving forward.

19 It's -- we'll say it again, but I want to repeat
20 the fact that the initial -- the communities that have
21 stepped forward and that are being asked to serve as the
22 initial group undoubtedly will play an important role as
23 guinea pigs in helping us to launch this program.

24 At the same time, they are not the only focus of
25 our attention under the 617 program, and it's going to be

1 up to the Board to determine how we make sure that the
2 many other communities that are not on that initial list
3 of 10 are seeing real improvements, and real progress at
4 the same time that we're focusing on learning some of the
5 administrative lessons that we need to -- that we need to
6 do from the first 10.

7 So this is an important step forward, but it's
8 just the beginning, and it's time to get started. So
9 without further ado, Mr. Corey, will you please introduce
10 this item.

11 EXECUTIVE OFFICER COREY: Yes. Thanks, Chair.
12 For the past year, staff have been talking with the people
13 that know their communities better than anyone, community
14 members. We've also been talking with air districts,
15 affected industry, public health officials, and others.
16 We've had workshops, community meetings, summits,
17 neighborhood tours, and consultation groups meetings. And
18 I've had the opportunity to participate in many of the
19 tours and meetings throughout the state as well as a
20 number of Board members. And all these areas that we
21 visited, we've seen firsthand the challenges facing the
22 communities, and staff have heard very clearly that we
23 need to do more.

24 Getting to this point has required us to move
25 very quickly, and at the same time do things differently.

1 This includes new ways to bring everyone to the table,
2 where they can work together and start finding solutions
3 to reduce air pollution in their communities. It also
4 means creating an environment where community members are
5 able to participate actively in making decisions and
6 guiding this new program.

7 AB 617 is about taking concrete action to reduce
8 air pollution in burdened communities. Staff have heard
9 clearly that this means communities across the state, not
10 just those selected for focused Community emission
11 reduction programs as you noted.

12 So first, the Board will hear about actions to
13 help communities statewide. Staff are also continuing
14 work with communities to build capacity and to bring in
15 other local and State agency partners to be part of the
16 solution.

17 Second, the Board will hear staff's recommended
18 communities for the first year program implementation
19 community members and air districts have put forth
20 hundreds of deserving communities for consideration. And
21 staff have drawn from this extensive list, this first set
22 of community recommendations.

23 This is the beginning of an ongoing program or
24 process where staff will report on overall program
25 implementation. In addition, individual Community

1 emission reduction programs will come back to the Board
2 for review and action.

3 I'll now ask Monique Davis and Melissa
4 Niederreiter from our Office of Community Air Protection
5 to give the staff presentation.

6 Melissa.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 AIR POLLUTION SPECIALIST NIEDERREITER: Thank
10 you, Mr. Corey.

11 Good morning, Chair Nichols and members of the
12 board.

13 --o0o--

14 AIR POLLUTION SPECIALIST NIEDERREITER: Today
15 represents a milestone for this program. Today, we're
16 taking a key step forward to fundamentally change the way
17 we address air pollution at the community level. As part
18 of that, there are new actions that we'll be taking above
19 and beyond our existing commitments, actions to provide
20 cleaner air for communities throughout the State.

21 We're asking you to consider our recommendation
22 for an initial set of communities. These communities
23 would receive more focused action in the first year, and
24 then would be selected for either air monitoring and
25 Emissions Reduction Program, or sometimes both.

1 And we're also asking for you to consider the
2 blueprint. This is a document that includes all of the
3 program requirements. And it's a guide for how to develop
4 and implement the elements of the program.

5 --o0o--

6 AIR POLLUTION SPECIALIST NIEDERREITER: AB 617
7 requires us to do things differently and work directly
8 with community members as active partners to find
9 solutions. They are the experts when it comes to local
10 sources that impact their communities. So creating this
11 program must be a collaborative process, driven by
12 community partnerships.

13 We must all work together to combine the elements
14 shown on this slide. We need to reduce emissions and
15 exposure through statewide strategies, air monitoring, and
16 targeted programs. We also need to find new ways to
17 design regulations that deliver community level benefits,
18 in addition to the statewide and regional benefits.

19 And there are many other elements like clean air
20 technologies, increased penalties and better reporting,
21 the provide us better access to data. CARB, air
22 districts, and other agencies need to integrate and
23 leverage their programs and authorities. We cannot
24 continue to work in silos.

25 --o0o--

1 AIR POLLUTION SPECIALIST NIEDERREITER: So you're
2 going to hear us talk a lot about public engagement and
3 community involvement several times today. And this is
4 for good reason. It truly is the heart of the program.
5 Many community members provided suggestions for improving
6 our outreach. One comment letter said very directly, it's
7 vitally important that communities are involved every step
8 of the way. It was clear that engaging with communities
9 requires new approaches, not just our traditional daytime
10 workshops.

11 So based on their suggestions, we added different
12 kinds of outreach events, like those shown here. These
13 included a new consultation group, which brings together a
14 broad group of stakeholders and is chaired by Dr. Balmes.

15 But it wasn't only about finding a new way to
16 bring people together. It was about having real
17 conversations with residents, where they shared their
18 knowledge and experiences. Many local groups also invited
19 us to tour their neighborhoods to see firsthand the
20 problems that they're facing.

21 Improving our outreach and collaborating with
22 community members will be an ongoing process. We need to
23 continue these conversations because it's very important
24 that the voices and concerns are reflected, and in the
25 decisions that we make today and in the future.

1 --o0o--

2 AIR POLLUTION SPECIALIST NIEDERREITER: Over the
3 past year, so many stakeholders who live in these burdened
4 communities took valuable time out of their schedules and
5 away from their families to come to our workshops, to send
6 us their comments, and to travel to be with us here today.

7 This slide shows just some of what we've heard,
8 like the need to focus on a transition to zero-emission
9 technologies. But they also talked about their homes and
10 schools that are located really close to industrial
11 sources. And in many cases they're surrounded by multiple
12 sources.

13 This impacts their health every single day. They
14 told us about the growth of these facilities in their
15 homes, because of poor land-use decisions. It's pretty
16 clear, they're tired of the pollution in their
17 communities. They don't -- they're not necessarily
18 concerned about who's responsible for what. They just
19 need to see a change.

20 --o0o--

21 AIR POLLUTION SPECIALIST NIEDERREITER: So how
22 many communities are we really talking about? This map
23 shows all the communities nominated by the public. And
24 all the communities nominated by the air districts and
25 CARB.

1 There are hundreds of communities that are
2 impacted heavily by air pollution. All of them need
3 focused effort to help reduce their exposure, and
4 implementing the program is clearly a big challenge.

5 --o0o--

6 AIR POLLUTION SPECIALIST NIEDERREITER: So again,
7 AB 617 is about new actions to reduce emissions and
8 exposure. But this program is just one piece of a larger
9 effort, and we need all the pieces to help solve this
10 complex issue. Many actions are being identified through
11 our traditional criteria, toxics, and greenhouse gas
12 programs. And the blueprint includes new actions that can
13 help benefit burdened communities all throughout the
14 State, not just for those that you select today.

15 --o0o--

16 AIR POLLUTION SPECIALIST NIEDERREITER: All of
17 these actions will lead to new regulations to reduce
18 pollution from sources that are impacting communities
19 statewide. A lot of regulations will be coming to the
20 Board in the next few years. For example, many of these
21 measures will focus on zero-emission technologies in the
22 freight sector. These include new regulations that we
23 discussed with you last March for cleaner cargo handling
24 equipment, harbor trucks -- I'm sorry, harbor craft and
25 drayage trucks.

1 There are also other measures underway to reduce
2 pollution from vehicles like the Clean Transit Measure
3 that you'll hear about tomorrow.

4 But we're not just focusing on mobile sources.
5 We're also working on strengthening regulations for chrome
6 plating, and for other industrial sources like refineries,
7 and cement plants. Air districts will also be updating
8 their rules for cleaner technologies.

9 All of these measures will support healthier more
10 sustainable communities statewide. But importantly, more
11 importantly, this means that burdened communities don't
12 have to wait to be selected by the Board to see
13 improvements in air quality.

14 --o0o--

15 AIR POLLUTION SPECIALIST NIEDERREITER: So what
16 else can we do?

17 We can support community involvement in the
18 program and building partnerships. For example, last
19 year, the legislature provided money for grants to
20 community-based organizations. This map shows the first
21 \$10 million that was granted to 25 community groups and
22 three Native American tribes statewide, and an additional
23 \$5 million will be awarded through a second round of
24 grants.

25 These grants will provide funding for a variety

1 of things, like community-operated air monitoring
2 networks, and involving students and collecting and
3 analyzing air data, and also developing citizen tie --
4 citizen scientist programs to identify and document air
5 pollution sources.

6 --o0o--

7 AIR POLLUTION SPECIALIST NIEDERREITER: The
8 legislature sent yet another signal that they're serious
9 about making a difference for these communities now by
10 providing a half a billion dollars to kick-start early
11 reductions in burdened communities. Air districts have
12 already begun distributing the first half of this funding
13 from last year's budget for cleaner trucks, buses, and
14 other mobile sources.

15 And the second half of these funds was provided
16 in this year's budget for cleaner technologies for mobile
17 and stationary sources with a focus on zero emission.

18 Soon funding staff will start a separate public
19 process, and this will include discussions with residents
20 about what they would like to see in their communities.
21 So in addition to the half a billion dollars of 18 -- AB
22 617 funding, there's also more than a billion dollars for
23 incentive programs to fund cleaner technologies from
24 freight, farm equipment, passenger vehicles, and more.
25 And we'll show you a few examples of that on the next

1 slide.

2 --o0o--

3 AIR POLLUTION SPECIALIST NIEDERREITER: So the
4 map on the left shows our new clean freight projects with
5 \$205 million in grants, which combined with match funding
6 includes a total investment of \$400 million for
7 zero-emission vehicles at ports, warehouses, and freight
8 hubs.

9 One example of this is at the Port of Stockton,
10 where they're funding zero emission yard trucks, top
11 handlers and other equipment. Then the map on the right
12 shows projects that are funded through rural school bus
13 programs, including many located in the northern part of
14 the state, which may not typically see funding from our
15 traditional incentive programs.

16 We've provided \$15 million for cleaner school
17 buses in these areas and will be funding another \$25
18 million dollars in year two.

19 --o0o--

20 AIR POLLUTION SPECIALIST NIEDERREITER: So far,
21 we've talked about regulations and incentives. And next
22 let's talk about expanding our focus to community level
23 programs throughout the state. These programs can take
24 many forms. For example, the red dots on the map
25 represent the community air grants that we've already

1 talked about, and the orange dots showcase community scale
2 monitoring. Many of these are led by community groups,
3 but also by air districts and State agencies too, and
4 there's monitoring around refineries.

5 The blue triangles show community air monitoring
6 under our SNAPS program, which will be underway soon, and
7 is located near oil and gas production. All of these need
8 help -- need help for us to document air pollution and
9 exposure, and gather the data needed for supported -- to
10 support targeted actions.

11 But it's not just about the data that we're
12 collecting, we're also looking at supplemental
13 environmental projects, and those are shown in green.
14 These projects can fund things like air filtration systems
15 in schools, asthma services for children and other
16 community scale projects.

17 --o0o--

18 AIR POLLUTION SPECIALIST NIEDERREITER: Shown
19 here in this video is a demo of a new interactive tool
20 that is available online now. It lets people see a closer
21 look at the community level actions that you saw on the
22 previous slide.

23 --o0o--

24 AIR POLLUTION SPECIALIST NIEDERREITER: So I've
25 highlighted what we're doing for communities throughout

1 the State. And now I'll hand it off to Monique Davis who
2 will talk about the first set of communities for your
3 selection today.

4 Monique

5 --o0o--

6 AIR POLLUTION SPECIALIST DAVIS: Thank you,
7 Melissa. AB 617 requires this Board to select the first
8 set of communities by October 1st, and to identify whether
9 they are selected for air monitoring an emissions
10 reduction programs, or both.

11 Based on your selections today, there will be
12 communities with new monitoring networks to gather data
13 and characterize source impacts. And there will also be
14 Emissions Reduction Programs that identify specific ways
15 to reduce air pollution in that community with new focused
16 actions that go beyond existing measures.

17 These actions will include ways that we can work
18 with local agencies who have a role in helping us to
19 reduce air pollution and residents' exposure through
20 zoning, setbacks, and other methods.

21 --o0o--

22 AIR POLLUTION SPECIALIST DAVIS: So how did we
23 come up with our list of initial communities that we are
24 recommending today?

25 This was challenging, and one of the hardest

1 parts of this program. The law has very short deadlines
2 for the communities that are selected today. And a huge
3 amount of work has to be done in less than a year, and we
4 have never done this before.

5 Identifying communities started with extensive
6 public engagement last fall. We released a draft document
7 in February that described the process and criteria for
8 community selections. This enabled both community members
9 and air districts to submit their nominations, and it
10 required air districts to have a robust public process.

11 Air districts and some community groups also did
12 technical assessments to support their submittals. In
13 June, our staff released additional documents that
14 explained how we would conduct our own statewide
15 assessment. We evaluated cumulative exposures for all
16 disadvantaged communities before developing the initial
17 set that you are considering today.

18 At the June Board meeting, we also talked about
19 selecting a diverse set of no more than 10 communities
20 that could give us a variety of models, and show us what
21 works. Then we could use that to build the program over
22 time in additional communities. We've also had ongoing
23 discussions with air districts and other stakeholders
24 about resources, capacity, and data needs. And based on
25 your direction, all of the technical work and the

1 conversations that we've had with community members and
2 other stakeholders, we released our 2018 community
3 recommendations in August. As you can see, it was not
4 strictly a numerical exercise.

5 --o0o--

6 AIR POLLUTION SPECIALIST DAVIS: The orange dots
7 on this slide show the location of the 10 initial
8 communities that we are recommending for your
9 consideration. This initial set is spread across six air
10 districts shown here in blue. The staff report includes a
11 table that identifies whether communities are recommended
12 for air monitoring or emissions reduction programs, and it
13 has maps that show the preliminary boundaries for each of
14 the communities.

15 The groups shown here are all highly burdened,
16 and represent a mix of urban and rural communities,
17 different kinds of air pollution sources, and a variety of
18 sizes that will get us started on the right path.

19 We know there is support for other communities,
20 but we believe starting with the 10, we are recommending
21 gives us the best chance for success as we launch the
22 program.

23 This is just the start of a larger effort, and
24 the number will increase as we learn and grow the program.
25 The hundreds of other communities, they are also part of

1 this program, and we will be looking for additional ways
2 to reduce emissions and exposure for them.

3 We will continue working with them to build
4 relationships and document local air quality impacts and
5 bring together all of the pieces that are needed for
6 focused actions in the future.

7 The next few slides will provide a little more
8 detail on the recommended communities. And there are many
9 communities members here that can also share their
10 concerns and needs with you directly.

11 --o0o--

12 AIR POLLUTION SPECIALIST DAVIS: For the Bay
13 Area, we are recommending West Oakland and Richmond. West
14 Oakland includes sources related to the Port of Oakland,
15 and railyards, the harbor channel, and Interstates 580,
16 980, and 880. They also have large distribution centers,
17 a cement plant, and a power plant. Richmond's key sources
18 include the Port of Richmond, railyard, chemical plant,
19 petroleum coke terminal, organic liquid storage and
20 distribution facilities, refineries.

21 They also have two freeways, I-80 and 580. The
22 air district has already partnered with the West Oakland
23 Environmental Indicators Project to move forward on
24 developing a plan to reduce emissions and exposure in West
25 Oakland.

--o0o--

AIR POLLUTION SPECIALIST DAVIS: For the San Joaquin Valley, we are recommending Shafter and South Central Fresno. These communities cover both urban and rural areas. Shafter has oil wells, a rail line, and it's impacted by pollution from Highway 43, Lerdo Highway, and other sources

South Central Fresno's industrial area includes a power plant and a glass plant, and three major highways also run through this community, 99, 41 and 180.

--o0o--

AIR POLLUTION SPECIALIST DAVIS: For the South Coast, we are recommending three communities, Wilmington, West Long Beach, and Carson; the East Los Angeles neighborhoods with Boyle Heights and West Commerce; and San Bernardino and Muscoy. They are linked by major freeways and freight corridors and have a wide variety of industrial sources.

For example, Wilmington, West Long Beach, and Carson include several major petroleum refineries, Ports of Los Angeles and Long Beach, warehouses, railyards, also highways 110, 710, 91, the 405 and the Alameda corridor run through the community.

The East Los Angeles neighborhoods include large industry facilities and railyards, and highways 101, 60,

1 I-5, I-10 and 710 also bisect this community. In San
2 Bernardino and Muscoy, the key sources are freight hubs
3 and railyards, warehouses, distribution centers and
4 highways 215, 210 and I-10.

5 These South Coast communities cover big areas,
6 lots of sources, and large populations. We expect them to
7 provide valuable lessons for future efforts in urban
8 areas, but will also need to make sure that actions remain
9 community focused.

10 --o0o--

11 AIR POLLUTION SPECIALIST DAVIS: For the imperial
12 county, we are recommending Calexico, El Centro and Heber.
13 They are located in a rural area on a corridor that
14 extends up from the border and is impacted by sources near
15 the border. They're also near a power plant, a cement
16 facility warehouses, small industrial sources, unpaved
17 roads and a rail line.

18 --o0o--

19 AIR POLLUTION SPECIALIST DAVIS: For San Diego,
20 we are recommending the group of portside environmental
21 justice communities including Barrio Logan, West National
22 City, Logan Heights and Sherman Heights. They are located
23 in an urban area near the Port of San Diego with a mix of
24 small and large industrial sources, including
25 manufacturing facilities for aircraft parts, a power

1 plant, plating shops and auto body shops, I-5 and I-15
2 also run through the community.

3 --o0o--

4 AIR POLLUTION SPECIALIST DAVIS: And finally for
5 the Sacramento area, we're recommending South Sacramento
6 Florin, which is impacted by Highway 99, traffic to and
7 from the warehouses areas near the community, and
8 residential sources such as wood smoke.

9 --o0o--

10 AIR POLLUTION SPECIALIST DAVIS: After you select
11 communities, the air districts and CARB will need to work
12 with the community partners to move quickly, and implement
13 the program. There's a lot of work ahead. So what are
14 the next steps and how will we get there?

15 It will be guided by the blueprint.

16 --o0o--

17 AIR POLLUTION SPECIALIST DAVIS: We released the
18 final draft blueprint last month. This document defines
19 the broad statewide strategies that Melissa mentioned
20 earlier, and it establishes the program requirements with
21 a strong focus on public engagement. It also includes
22 detailed criteria for developing and implementing air
23 monitoring plans and emissions reduction programs,
24 including checklists and reporting requirements so we can
25 monitor progress annually.

--o0o--

AIR POLLUTION SPECIALIST DAVIS: In addition to the blueprint, we've launched an online resource center. It provides one location where community members can access tools and resources, such as monitoring data, and the technology clearinghouse, which is available online now.

We will update materials in the center as more information becomes available, such as resources for collaborating with land use and transportation agencies.

--o0o--

AIR POLLUTION SPECIALIST DAVIS: So we have the instructions, and we have online resources. The other critical step is a continuation of the public engagement and community partnerships that are fundamental to this program. Air districts must convene community steering committees that will guide the development of monitoring plans and emission reduction programs.

There needs to be a broad group at the table, drawn from each selected community - the people that live there, the people that have businesses in the community, the people that public agencies that govern local policies. But the steering committee members must be primarily community residents that represent voices from across that community.

1 And this committee will be involved every step of
2 the way, from helping to determine the final geographic
3 boundaries of a community, to identifying strategies to
4 reduce pollution, and tracking progress.

5 And to further support public engagement, we will
6 be having a second solicitation for community air grants
7 that will be available to all communities not just those
8 that are selected today. These grants will help build
9 capacity for community-based organizations.

10 And as Melissa talked about at the beginning, we
11 will continue to improve how we get out and meet with
12 community residents, which will be a focus of our
13 environmental justice team over the next year.

14 --o0o--

15 AIR POLLUTION SPECIALIST DAVIS: Today, you will
16 be making decisions to give the first year of this program
17 up and running, and we also want to look ahead. There are
18 many impacted communities and we will continue working
19 with our partners and communities and air districts to
20 help identify actions that will reduce emissions and
21 exposure. We willing also work with communities to better
22 understand pollution sources and document air quality
23 impacts. This will be an ongoing effort that will evolve
24 as we learn from the first set of communities that you
25 select.

--o0o--

AIR POLLUTION SPECIALIST DAVIS: Today's actions are milestones in getting new community scale reductions. And there will be an ongoing role for this Board as the program matures and grows. We will be reporting on progress and you will have an opportunity to make adjustments and provide additional guidance. For example, we will be reporting back to you in the spring with an update to let you know how things are going. You will also be taking action on all of the community emissions reduction programs that air districts will submit for Board consideration.

And as we learn from these initial communities, you will continue to shape the program, including the statewide strategies that staff are working on. We all have a lot of work ahead of us.

--o0o--

AIR POLLUTION SPECIALIST DAVIS: This slide summarizes our recommendation. For this slide, we have provided two resolutions. One is for the final draft blueprint and the other is for the selection of the initial communities.

For the blueprint that we released in June 2018, we completed a draft environmental analysis with a 45-day comment period, which ended in July. The final

1 environmental analysis and other CEQA documents were
2 posted on our website earlier this month. We recommend
3 that the Board approve Resolution 18-33, which includes
4 approval of the written responses to comments,
5 certification of the final environmental analysis, making
6 the required CEQA findings and Statement of Overriding
7 Considerations, approval of the final draft blueprint, and
8 directing the Executive Officer to make clarifying changes
9 to the blueprint.

10 For example, to address some comments we've
11 received, we'd like to make clarifications to some
12 footnotes and the steering committee process.

13 And we also recommend that the Board approve
14 Resolution 18-37 to select the initial communities for
15 program implementation.

16 --o0o--

17 AIR POLLUTION SPECIALIST DAVIS: Public
18 engagement has been so vital in getting us to where we are
19 today, so we want to take a moment to say thank you to all
20 of the community members, organizations, agencies,
21 businesses, and academic institutions that came to
22 meetings, sent us comment letters, participated in the
23 consultation group and hosted community tours. We really
24 appreciate all of the time and attention and energy that
25 you have given during the past year, and we look forward

1 to continuing the work that we started.

2 Now, I would like to invite our partners from the
3 air districts to say a few words.

4 Alan Abbs.

5 BOARD MEMBER BALMES: Chair, may I just make one
6 quick comment?

7 CHAIR NICHOLS: Of course.

8 BOARD MEMBER BALMES: I would just like to thank
9 Melissa and Monique for really an excellent presentation.
10 We often complain up here about dry presentations and
11 without emotion and feeling. And while it was technically
12 very good, it was also well spoken in terms of feeling, so
13 I appreciate that.

14 CHAIR NICHOLS: Great. Thank you. Okay.

15 CAPCOA EXECUTIVE DIRECTOR ABBS: Good morning,
16 Chair Nichols and members of the Board. My name is Alan
17 Abbs. I'm the Executive Director for the California Air
18 Pollution Control Officers Association. And I'm going to
19 be real quick, because I'm going to turn this over to the
20 six air pollution control officers that have proposed
21 first-year communities.

22 Each of these people could probably talk for
23 hours about what's happened in the last year as part of
24 this process, what they're looking forward to do in the
25 next year or two. All the new things and transformational

1 things that have happened at their air districts, but I'm
2 gong to keep them to two or three minutes each to get --

3 CHAIR NICHOLS: Thank you.

4 CAPCOA EXECUTIVE DIRECTOR ABBS: -- to the end of
5 this. And -- but they will be around or have staff around
6 to answer any questions as needed from the Board members
7 or the public. And so with that, we will start off with
8 Wayne. I'll let everyone introduce themselves.

9 MR. NASTRI: Thanks Alan. Thanks, Madam Chair,
10 members of the Board. My name is Wayne Nastri. I'm the
11 Executive Officer of the South Coast Air Quality
12 Management District. It's a pleasure to be here. Our
13 jurisdiction in the South Coast AQMD includes over
14 two-thirds of all of the state's disadvantaged
15 communities.

16 Over half of our district's total population live
17 in these areas. And it will be an enormous challenge to
18 address just not only the communities identified, but all
19 of these neighborhoods that are so deserving. And we're
20 fully committed to doing everything that we can to ensure
21 that the 617 Program benefits as many people and
22 communities as possible.

23 But I want to point out this is not the first
24 time that we're going into communities. We have been in
25 communities for the entire length and duration of the

1 program at the South Coast AQMD.

2 We understand that there are many people that
3 want to be part of this program, but that doesn't mean
4 that we're going to not look at the other areas or that
5 we're not going to be engaged, or continue -- sorry,
6 continue to be engaged as we move forward with this work.

7 So in support of the effort that we're doing here
8 today and all of the other districts, we've been
9 advocating for resources. And I'm really proud to say
10 that it's been a great partnership working with the staff
11 at ARB, working with the legislature to try to get the
12 resources that we have.

13 The resources that we have will address the 10.
14 But it's important to recognize that in the long term
15 we're going to need sustained resources to move this
16 program. We're not going to be able to do this program for
17 one or two years. It's going to be a combination where
18 we're going to have 10 programs statewide, more programs
19 in the additional coming years, but we're still going to
20 be in those existing communities that we start out with.

21 So the resources challenge is real, it's
22 something that going to continue to work with, and
23 continue to report back and let you know the progress on
24 that.

25 As you know, we've presented at dozens of

1 communities throughout our area. And one of the
2 consistent messages that we've heard is that communities
3 want to see real impactful changes. So our focus will and
4 continue to be on actions that produce those direct air
5 quality benefits to those communities, using strategies
6 tailored to those communities.

7 So as a long-time leader in local air quality
8 programs at the South Coast, we appreciate again the close
9 work of ARB staff, of working with the community members,
10 of working with all of the stakeholders. We strongly
11 support the communities that have been selected through
12 ARB, recognizing for us the ports area, that West Long
13 Beach, Carson, Wilmington area; East Los Angeles,
14 including Commerce, Boyle Heights area, as well as the San
15 Bernardino area.

16 So we thank CARB also for adopting many of the
17 recommendations that we've been providing throughout this
18 process. And moving forward, I really want to emphasize
19 that 617 does not substantially alter the regulatory
20 authorities over stationary and mobile sources for the
21 districts and CARB respectively.

22 So we urge that the districts maintain their
23 primary role in regulating stationary sources, and CARB
24 needs to do its part in achieving the emission reductions
25 in those communities where mobile sources often dominate.

1 So, in closing, we're very excited about this
2 opportunity to continue and expand our efforts in
3 communities and appreciate all the help and assistance and
4 continue to look forward to working with ARB and all the
5 communities.

6 Thank you.

7 CHAIR NICHOLS: Thank you.

8 Could I just ask clarification on one point,
9 because you mentioned the funding which is obviously
10 critical for all of us, and the fact that the funding that
11 we had would cover the initial 10 communities. It's my
12 understanding that we have funding that's designed for
13 implementation of this program that isn't just limited to
14 the 10 communities. Ms. Chang can you respond or Mr.
15 Corey, or someone.

16 Someone.

17 EXECUTIVE OFFICER COREY: The -- the two -- three
18 really elements of funding in terms of the appropriation.
19 Part of it was talked about the community assistance
20 grants. The other are the incentives. Those are
21 statewide incentives and there will be a public process
22 following this hearing in terms of the apportionment of
23 that 245 million. There's also support for district work.

24 The district work is way beyond the 10
25 communities, because the districts are also doing

1 inventory and BARCT work across the state. So legislative
2 appropriation is a statewide appropriation to help with
3 the 10, but to also cover the statewide related activities
4 associated with 617.

5 CHAIR NICHOLS: So I don't want to disagree with
6 the basic thrust of your point that we're going to need
7 ongoing resources. I just wanted to make sure that we're
8 clear that there's funding intended to go to communities
9 or to even the benefit of communities that are not in the
10 original 10.

11 MR. NASTRI: Absolutely. But the requirements of
12 617 require the acceleration of certain efforts. So, for
13 instance, the BARCT efforts. I'll speak just in regards
14 to the South Coast, because while South Coast was looking
15 to phase out its reclaim under the conditions of 617, we
16 have to accelerate that.

17 And that means we have to bring in additional
18 people, additional outreach. And so South Coast does have
19 addition burdens that I think have been reflected in the
20 first round of funding. And as Richard had said, that's
21 something that we're continuing to address.

22 And so we're going to continue to work forward
23 with ARB and the legislature and all the stakeholders on
24 the funding.

25 CHAIR NICHOLS: Thank you.

1 MR. NASTRI: Thank you.

2 MR. SHEIKH: Good morning, Chair Nichols and
3 members of the Board. Thanks for the opportunity to be
4 here this morning and provide some comments. I'll be
5 brief as well.

6 My name is Samir Sheikh and I'm Executive
7 Director and Air Pollution Control Officer of the San
8 Joaquin Valley Air Pollution Control District. Our
9 jurisdiction covers eight counties from San Joaquin up
10 here near Sacramento down to Kern County, and Grape Vine.
11 Over four million residents are in our region and it
12 covers 25,000 square miles. As you know, it's a very
13 large basin. It also faces some of the most difficult air
14 quality challenges as you're well aware.

15 And we also have a very large portion of our
16 residents living in disadvantaged communities. Over half
17 of valley residents actually live in those communities as
18 defined by the State, and over two-thirds of top most
19 impacted communities are actually in the San Joaquin
20 Valley. So clearly, there's a lot of work to be done and
21 a lot of challenge in our region in dealing with the
22 impacts to those communities.

23 I wanted to start off by thanking ARB staff for
24 all of the community engagement that they've done in our
25 region to help develop the 617 Program. It's going to be

1 a very close partnership and collaboration between our
2 agencies to be able to do a good job in implementing this
3 program, as well as working with all of our local
4 partners, the NGOs, the businesses, everybody who has a
5 stake a role in really moving forward with this strategy.
6 But I did want to thank the staff for spending a lot of
7 time in our region, and really trying to learn the issues
8 and really put together a lot of thought into the
9 blueprint and then into the selection of communities
10 that's before you today.

11 So today's action does kick-start some very
12 fast-moving community engagement efforts. And it's
13 absolutely critical that the district and CARB and other
14 agencies that are involved in our partners are ready to
15 begin the significant work to implement this program.

16 We are positioned to begin this work. Wayne
17 mentioned some of this in his earlier comments. In fact,
18 upon adoption of the action today by the Board, we're --
19 we'll immediately begin the process actually of recruiting
20 and putting into place the steering committees that were
21 mentioned before. We have that process initially spec'd
22 out. We'll see how the conversation goes today and we'll
23 make any adjustments as needed. But we do have that
24 immediately ready for implementation based on today's
25 action.

1 And then also working with our local partners to
2 do all the community engagement that we need to do to
3 really make that an effective process. And developing all
4 the necessary monitoring Community emission reduction
5 programs with this very short time frame that we have.

6 We've done a lot of work this past year to really
7 be in this position. We've hired staff. We've done a lot
8 of community engagement and public meetings to really got
9 a lot of input. We're expanded our planning and our
10 monitoring capabilities that are going to be so important
11 in implementing 617.

12 And we've also moved forward with extensive
13 efforts to implement early actions, as was mentioned
14 before, to really provide some of those benefits, not only
15 in the communities that are being discussed today, but
16 throughout the valley, in terms of our disadvantaged
17 communities.

18 In fact, over 80 percent of these actions have
19 been -- have provided benefits in disadvantaged
20 communities, and we continue to look forward to finding
21 projects that not only benefit these selected communities,
22 but also other impacted communities throughout our region.

23 I wanted to thank specifically the groups that
24 have really helped us with -- with that outreach. A lot
25 of them are here today. They've really -- have opened the

1 door to providing for some good community engagement.
2 They've really guided some of these recent efforts to
3 really look for some opportunities in those communities.

4 And I'm happy to the report we've actually found
5 some really exciting opportunities already in these
6 selected communities as well as other impacted
7 communities. So that's a great beginning, I think, for
8 the hard work that we need to do.

9 So I also wanted to mention here that as was
10 mentioned before by Chair Nichols and Wayne, while we're
11 starting here with 10 statewide under today's action,
12 clearly this is a multi-year effort. And in your
13 introductory comments, Chair Nichols, you mentioned how
14 important it is that we continue to look at this as a
15 multi-year effort that builds on this pilot, that we learn
16 from. You know, we're not going to get it perfect, I
17 think, right out of the gate, but we're certainly going to
18 try our best to really use this as an opportunity to do a
19 good job moving forward.

20 The resources are absolutely vital. We do have
21 resources that we worked hard to bring to bear here,
22 incentive dollars, dollars for resources in terms of
23 monitoring and staffing. It's really important that we
24 see sustained resources, I think, moving forward, so that
25 we don't end up in a situation where, you know, this

1 program doesn't get the attention that it deserves, I
2 think, in the longer term.

3 That's something that we're ready to continue
4 working on with our partners, with CARB and other agencies
5 that have really been instrumental I think in making that
6 happen.

7 Also, I wanted mention, as Chair Nichols
8 mentioned earlier, that we're going to be working hard on
9 community level efforts beyond the communities that are
10 recommended today. This is something that we've been
11 doing for some time. We're working on a very ambitious
12 PM2.5 plan right now that we hope is brought before --
13 before your Board in the next several months is our goal
14 with that. You know, all of these efforts. All the local
15 dollars that we're putting into incentives, all of the
16 work that we're doing now to develop even better
17 strategies in terms of reducing our pollution are really
18 all going to help at the community level. So I wanted to
19 note that that work is ongoing.

20 I want to close by thanking Mr. Corey and Ms.
21 Magliano and all the other ARB staff for their engagement
22 and hard work on this. We look forward to that
23 partnership, and really engaging all of our local partners
24 to really do a good job in implementing 617.

25 Thank you very much.

1 MR. BROADBENT: Good morning. I'm Jack Broadbent
2 the Bay Area's Executive Officer.

3 As you are aware in the Bay Area, we've been
4 working to identify impacted communities and eliminate
5 disparities associated from air pollution for sometime.

6 For 617, we've identified West Oakland as a year
7 one community, and are already making progress working
8 alongside our partners, the West Oakland Indicator --
9 Environmental Indicators Project in the development of an
10 emission reduction plan. This is a community-led process,
11 a community-driven process led by Ms. Margaret Gordon, and
12 her associates at the West Oakland Environmental
13 Indicators Project.

14 We are confident that this plan will layout very
15 specific, verifiable measures to reduce exposures in the
16 West Oakland community. Indeed, our next meeting of our
17 steering committee is next Wednesday night in the Oakland
18 Community Center.

19 Richmond is also a high priority community -- a
20 year one community for us as well. The picture is a
21 little different there however. We believe we need to put
22 a considerable amount of resources into a monitoring plan
23 to understand the relative Contributions of the different
24 sources in commun -- in that community.

25 Your staff has already identified the fact that

1 Richmond is home to a refinery, a number of chemical
2 plants, a railyard, materials handling facility, and has
3 two freeways running through it. So clearly, we believe
4 we're going to need to have a monitoring plan that could
5 then form the basis of -- for us to do our source
6 apportionment work. And that's really the foundation of
7 course for our emission reduction plan.

8 We are not waiting however for a monitoring plan
9 to identify and implement emission reduction measures. In
10 the past three years, my Board has adopted seven rules
11 that will adopt -- that will further reduce emissions from
12 stationary sources in Richmond. Very specifically we
13 adopted a rule that will require all major stationary
14 sources in the Bay Area to put together measures,
15 implement measures to reduce their relative risk in their
16 communities down to 10 in a million. That's our rule
17 1118.

18 We have a number of other rules that we are
19 proposing as part of our 617 BARCT schedule that will
20 further reduce emissions from refineries, because I know
21 that is of particular interest to a number of community
22 groups. These measures include 8-5, which will further
23 reduce measure -- emissions from storage tanks, amendments
24 to our 88 that well reduce emissions from our wastewater
25 treatment facilities systems, and 6-5, which will reduce

1 PM from fluid catalytic cracking units.

2 All of these are ones in which are part of our
3 overall BARCT schedule that will be adopted by our Board
4 in December of this year.

5 Currently, we're in the process of forming a
6 steering committee for Richmond. And it's going to really
7 be based on the same model that we have been -- and the
8 successes that we've gleaned from West Oakland. It
9 will -- it too will be a community driven process. And I
10 think that's something you will all be proud of the
11 efforts so far in West Oakland and you'll see it also
12 repeated in Richmond.

13 We have all -- we have also identified a number
14 of other communities in the Bay Area. They include East
15 Oakland, Eastern San Francisco or the Bayview-Hunters
16 Point area, San Jose, Vallejo, Pittsburg/Bay Point, and
17 these will all be communities that will be the subject of
18 our efforts over the years two through five.

19 Our priority list was developed in a highly
20 transparent process. We had 11 community meetings
21 throughout the Bay Area, board meetings and we -- it is
22 one in which we took a considerable amount of input. I
23 want to thank the CARB staff for being there with us in
24 our development of our outreach efforts.

25 I just want to mention lastly, that we are also

1 tackling a very difficult issue in the Bay Area. And I
2 know, Madam Chair, you want us to go quick, so -- but I
3 did want to mention just real quickly there's an issue
4 that really is something that needs to be addressed -- and
5 I just wanted to take this moment -- and that is how do
6 you reconcile the fact that you're going to be working in
7 these communities to reduce their local exposure? At the
8 same time, how do you reconcile the fact that we have our
9 permitting obligations? How do you -- the fact that we
10 have to sit there and work with stationary sources, and
11 issue permits for sources that have met all of our
12 requirements, offset all their emissions, have applied
13 best available control technology, and that's going to be
14 a very thorny issue that I know we're going to be bringing
15 up as part of the 617 steering committee. So I look
16 forward to those conversations. And with that Madam
17 Chair, I'll conclude my remarks

18 BOARD MEMBER GIOIA: Madam Chair?

19 CHAIR NICHOLS: Yes.

20 BOARD MEMBER GIOIA: So I wanted to use this as
21 an opportunity, Jack, to sort of -- because there's sort
22 of a hybrid approach that I want to include in a
23 resolution at the end. And this is this issue about
24 Richmond being a monitoring community instead of an
25 emission reduction community. So just say that, I mean,

1 we all know that AB 617 is about a commitment to action to
2 reduce emissions.

3 And so in some communities monitoring is
4 important and does inform more comprehensive action. But
5 there are things we already know, as you've stated, with
6 stationary sources, specifically refineries. I think in
7 the Bay Area, there's clearly a need for greater
8 monitoring with regard to mobile sources, the port, rail,
9 coal, things like that that can inform an effective
10 emissions reduction plan.

11 However, with stationary sources, as you said,
12 there's been -- there's several rules. There's three
13 rules in particular that have been identified by the
14 district that would reduce emissions in fenceline
15 communities.

16 So I want to be clear because this would then be
17 part of the motion is that - it's sort of a hybrid - that
18 there's a commitment by their district board this December
19 will be voting on a time schedule for an expedited
20 approach, expedited rulemaking over these three refinery
21 rules, one with storage tanks, one with FCCU unit, the
22 other dealing with wastewater.

23 And that -- so that this hybrid approach would
24 allow the district to start rule development in 20 -- in
25 early 2019 with adoption of those three rules in 2019 and

1 2020. And my understanding is that's a time schedule that
2 works for the district, right?

3 MR. BROADBENT: Right, Dr. Gioia, we -- we're
4 actually out for public comment on our BARCT schedule that
5 we're going to be bringing to the Board for consideration
6 on December 19th. And we are -- it lays out a very
7 specific schedule to develop each of these measures and to
8 rules. Indeed, I know there has been a strong desire to
9 have us move up some of the refinery measures, and indeed
10 we're prepared to do so.

11 We need to be able to prioritize some of these
12 key measures. Some of them will take awhile, like changes
13 to the FCCU rule will likely take some time. And I think
14 based on the concerns that have been raised by the
15 community we're prepared to accelerate that and begin
16 working on that -- that particular rule in the beginning
17 of next year 2019.

18 BOARD MEMBER GIOIA: So start development. So
19 this would be included later when we sort of do our
20 motion. It will be start -- so the idea is while this is
21 under the authority of the law -- of the local air
22 district, this commitment to approve in December, this
23 expedited time frame, so that the rules would be adopted
24 well in advance of when they were going to be considered.
25 And I think it's important to note --

1 MR. BROADBENT: Right.

2 BOARD MEMBER GIOIA: -- that even for those
3 communities that are an emissions reduction community this
4 year, they have until October of 2019 to develop an
5 emissions reduction plan that this Board would approve in
6 early 2020, and then they would implement.

7 So by doing this, you're actually moving forward
8 with rules even before this date that we've established
9 for emission reduction communities. So starting
10 development early 2019 and completing adoption of these
11 rules by the end of 2020, and then -- but continuing on a
12 parallel track with the comprehensive monitoring whether
13 it's coal or freight that would really allow us to coming
14 up with -- come up with broader -- a real emissions
15 reduction plan for all the sources in Richmond after this
16 early adoption of the refinery rules. So that's just to
17 clarify. And that's your understanding.

18 MR. BROADBENT: Right. The community gets their
19 reductions sooner just through our you BARCT schedule --
20 implementation of our BARCT schedule that's required --

21 BOARD MEMBER GIOIA: Got it.

22 MR. BROADBENT: -- under 617.

23 BOARD MEMBER GIOIA: And the -- and the last
24 point, and I think this probably applies to other
25 monitoring communities, is that we're -- we want to ensure

1 that any monitoring community moves into becoming a full
2 emissions reduction community when the monitoring evidence
3 supports that, so that as soon as the monitoring on these
4 other source is all mobile and stationary sources is
5 completed, we'll talk about that later, moves right into
6 an emissions reduction community.

7 So thanks for clarifying.

8 MR. BROADBENT: Thank you.

9 MR. KARD: Good morning, Chair Nichols and Board
10 members. I'm Bob Kard the APCO for San Diego County.
11 Thank you for this opportunity.

12 First of all, not only thank you for your work on
13 this, but I want to thank your staff. I've worked with
14 CARB staff for more than 36 years on various things. This
15 is some of the best support and cooperation we've ever
16 seen. They deserve have recognition for that.

17 In terms of what San Diego is doing, we're moving
18 ahead. We look forward to this. We've long looked at
19 Barrio Logan and other areas as needing attention, what I
20 originally called years ago, micro scale monitoring. We
21 didn't have the resources to do that. Now, we will have
22 those resources.

23 We've held, for example, more than 30 meetings
24 with members of the community. And that includes, you
25 know, community members -- larger lake was mentioned

1 earlier by Chair Nichols -- or pardon me one of the staff,
2 but also businesses and local industries, so we can work
3 through this thing.

4 With that 30 meetings -- within the next two
5 weeks, we'll have a steering committee in place with
6 community representatives. And, of course, those meeting
7 will be open to all. We want all the feedback we can get.
8 In terms of this Community Air Protection Program, this
9 was valuable to us because, as I said, we've long
10 recognized that there are needs out there that we didn't
11 see. And most surprising to me was during these community
12 meetings, people brought up stuff to us that we can handle
13 now on a complaint basis and we investigate.

14 With that, I know there's a concern that just
15 doing monitoring -- and what we're going to do is very
16 high level monitoring. We're going to be looking for
17 diesel soot, PM2.5, and VOCs with reference method or
18 reference federal equivalent methods as we go through the
19 community with initially 15 locations to site -- to be
20 sited and moving around.

21 We know, for example, Otay Mesa and San Ysidro
22 have issues. We'll be doing diesel exhaust monitoring
23 there as well, beyond just this area -- the portside
24 community of Barrio Logan.

25 But with that, I want to emphasize that if we see

1 a problem, we'll work to address it. I've told the
2 community that. I've told the industrial environmental
3 association that in San Diego. We'll get with them.
4 Things will not continue if there's a problem. We will
5 address those.

6 And, for example, some of the things we're
7 already doing with emissions reductions that I think are
8 often not really well seen, because we don't put it out in
9 the newspaper daily, we're providing a incentives as is
10 this Board for diesel emission reductions, and my board.
11 Thank you Ron Roberts, Supervisor Roberts. We've
12 increased frequencies of inspections down in Barrio Logan
13 to the rate of three to four times our normal inspection
14 rate elsewhere. We've increase surveillance. We do
15 after-hours work, especially if the community has a
16 concern.

17 We've also conducted again many outreach efforts,
18 and we really value the partnership with people like
19 Environmental Health Coalition, Casa Familiar, and the
20 various neighborhoods.

21 We're also redoing health risk assessments,
22 because of OEHHA's changes in methodologies. And we're
23 going back and looking to see what else needs to be done.
24 We've seen our air toxics levels, although lower than
25 ever, plateau a bit. We're not happy with that. We want

1 to reduce those emissions.

2 And again, I know Jack Broadbent mentioned legal
3 issues. We can work through all those. We'll get through
4 that. I've got to say, you know, your Board and our
5 board -- and I'm not kissing up Supervisor Roberts --
6 they've been very supportive.

7 (Laughter.)

8 MR. CARR: And you'll find them very
9 straightforward. We're working on this. We look forward
10 to it. I look forward to all the suggestions we're going
11 to get, because you know the group mind is just an amazing
12 thing. And I have a lot to learn, even after -- it will
13 be 37 years on November 1 doing air work.

14 This is great. Thank you.

15 CHAIR NICHOLS: Thanks. That's great.

16 MR. DESSERT: Good morning, Madam Chair and
17 Board. My name is Matt Dessert. I'm the Air Pollution
18 Control Officer for Imperial County.

19 On behalf of Imperial County and the Air
20 Pollution Control District, I am here today in support of
21 the selection of the communities of Calexico, Heber, and
22 El Centro for an air monitoring and emission reduction
23 program.

24 Imperial County includes several disadvantaged
25 communities with residents suffering from unhealthy air

1 pollution and more than double the state's rate of
2 asthma-related emergency room visits and hospitalization
3 for children. Imperial County has been classified as a
4 federal nonattainment area for different air pollutants,
5 such as PM10, PM2.5, and ozone.

6 One of Imperial County's unique features is also
7 its greatest challenge when trying to improve air quality.
8 Imperial county is one of California's international
9 gateways. In particular, the City of Calexico shares a
10 border with a densely populated City of Mexicali, Mexico.

11 Imperial County's total population is roughly
12 180,000 people with the various communities, and Mexicali,
13 Mexico is upwards of a million and a half people. The
14 primary reason for elevated ozone and PM2.5 levels in
15 Imperial County is emissions transport from Mexico.
16 However, we believe more can be done locally to protect
17 the public health.

18 In response to Assembly Bill 617, on July 17 --
19 11th, 2018, the Imperial County APCD, in conjunction with
20 Comite Civico, a local environmental justice group, held
21 two community meetings in the City of Calexico and the
22 City of Westmorland. And as all air pollution control
23 districts know and they engage the public, and work with
24 the environmental justice groups, there's always something
25 to be learned from that effort and to improve at the next

1 attempt, mostly to listen.

2 The cities[SIC]of Westmorland understand that --
3 the community concerns and hear their recommendations -
4 also, the cities[SIC] of Calexico - for how air quality
5 could be improved through implementation of AB 617.

6 Based on this outreach Imperial County APCD's
7 partnership with Comite Civico Del Valle nominated
8 Calexico, Heber and El Centro, a corridor as one
9 community, or corridor, to implement a monitoring and
10 emissions reduction program.

11 Committee Civico Del Valle is currently operating
12 a monitoring network throughout the Imperial County, a
13 very successful monitoring network that many know
14 throughout the State, the IVAN network. So we're
15 effectively ahead of the curve on these efforts with 617,
16 and we need to keep that in mind. What's next? What's
17 the next steps we can do to logically move this forward?

18 Work Under AB 617 will expand on this network to
19 provide additional data within this community, the
20 community corridor mentioned. We are also committed to
21 working with Comite Civico and community members and other
22 stakeholders to implement new actions to reduce emissions
23 for better protections of these communities.

24 The Imperial County Air Pollution Control
25 District staff will also be implementing other elements of

1 617, including and evaluating BARCT, and new emissions
2 reporting requirements for applicable local stationary
3 sources. It is committed To implement necessary measures
4 to meet 617 requirements.

5 In closing, I'd like to thank you for the
6 opportunity to speak today. I'd like to thank Assemblyman
7 Eddie Garcia for his participation and many visits to
8 Imperial County, along with Veronica Eady, Karen Magliano,
9 Alan Abbs, many visits to this remote location in
10 California that many of us locals love and keep near and
11 dear to our hearts.

12 Their presence, the State's presence, helps on
13 air issues. It brings CalEPA down. It helps on other
14 issues, and it helps with Salton Sea issues.

15 Imperial County's support for the selection of
16 the Calexico, Heber's, and El Centro for an air monitoring
17 and emissions program has been announced -- pronounced and
18 repeated today.

19 I thank you for the opportunity and look forward
20 to moving this forward.

21 Thank you.

22 CHAIR NICHOLS: Thank you.

23 MS. LAM SNYDER: Good morning, chair Nichols and
24 members of the Board. Thank you for the opportunity to
25 come and speak to you today in support of your staff's

1 recommendation on the first year AB 617 community
2 selection.

3 My name is Janice Lam Snyder Sacramento and I am
4 one of the senior managers at the Sacramento Air Quality
5 Management District. I led the efforts for the
6 Sacramento's recommendation submitted back in July -- back
7 in July. And I will be leading the ongoing efforts of AB
8 617 for monitoring and planning moving forward.

9 I am here today on behalf of Dr. Alberto Ayala
10 who is our Executive Director who very much wanted to be
11 here today, but unfortunately he has to be present for our
12 board hearing that is occurring concurrently.

13 So before I start, I'd like to acknowledge and
14 thank and show appreciation for ARB staff with working
15 with us through this community selection process. They
16 have listened, and was very patient in guiding us through
17 all of our questions and concerns. And we look forward to
18 continuing this dynamic dialogue that we've been having
19 with them.

20 So we are here in full support of ARB staff
21 recommendations for the first year community selection,
22 one of which is here in the capital region, the South
23 Sacramento Florin community.

24 Through a robust analysis that the district has
25 conducted using local information, local health

1 information, local emission information, there are
2 definitely a need in our communities to be apart of this
3 program.

4 Since last year, we have worked tirelessly to
5 prepare for the implementation of AB 617, and as our other
6 partner districts across the state have been working very
7 closely with the communities that we have here in
8 Sacramento. We understand that this is a bottom-up
9 approach, and that it -- there is a need to work in
10 partnership with our communities to reduce this excess air
11 qual -- air pollution burden.

12 For us, this came in a form of intimate and --
13 intimate and meaningful conversations with community
14 members ranging from neighborhood associations, community
15 church leaders, and our State and local representatives.
16 We've also held larger meetings to solicit at community
17 input.

18 So since the adoption of AB 617, we have embraced
19 and shared the State's vision of improving public health
20 at the community level. In terms of what we have done
21 already, we know that we have to embrace and leverage the
22 new monitoring technologies that we have. And so what
23 we've been doing is that we've been engaging with multiple
24 different vendors already purchasing low cost sensors and
25 deploying them and getting them ready really to deploy

1 them into communities and leveraging them with our
2 existing network.

3 We have been working on a community engagement
4 plan already, so that once it has been adopted, then we
5 can hit the ground running.

6 We've been also gathering a list of potential
7 monitoring steering committees. And we have launched a
8 dedicated websi -- webpage to ensure that there is
9 transparency in everything that we're doing moving
10 forward.

11 We have also had -- made educational materials,
12 so the public -- so we're able to be able to outreach with
13 the public better. So we want to provide the Board
14 confidence that we are committed, and that we are going to
15 be successful, if we're selected. We have experience in
16 developing a community monitoring program already. We --
17 just this last year, we finished up a study that is very
18 similar to what we -- what AB 617 monitoring is embarking
19 on.

20 We did a toxics from community -- understanding
21 toxics from wood smoke from EJ and non-EJ communities.
22 And so we've had already put, you know, before -- have
23 experience in putting together a monitoring plan, and
24 understanding really some of the logistics that goes into
25 a community level monitoring.

1 So in closing, we look very much forward to
2 working with the CARB staff, and being able to reduce this
3 community -- excess community air pollution burden.

4 Thank you.

5 CHAIR NICHOLS: Thank you, Ms. Snyder. I was
6 asked and I -- this probably the right moment to do it to
7 read a letter that I received from the Sacramento
8 representative on our Board, Supervisor Phil Serna, who is
9 not here with us today, because he is traveling and he
10 extends his regrets. He's absent, because he's in
11 Northern Germany meeting with a number of innovative
12 mobility research and development groups including several
13 OEM electric vehicle research and development companies.
14 And he's traveling with the Greater Sacramento Economic
15 Council and other local elected leaders to initiate
16 discussions about the future of innovative mobility
17 research, development, and manufacturing right here in the
18 Sacramento region.

19 So while we obviously Ms. Supervisor Serna being
20 here in person to support the district and your requests,
21 we know he's doing important work on behalf of the cause,
22 and we want to wish them safe travels and success.

23 He's also asked me to say that he is not visiting
24 Munich for Oktoberfest, which --

25 (Laughter.)

1 CHAIR NICHOLS: I think is unfortunate, but he
2 wanted you to know that.

3 Thanks.

4 (Laughter.)

5 CHAIR NICHOLS: Okay. Thank you very much.

6 MS. LAM SNYDER: Thank you.

7 PANEL MEMBER SHERRIFFS: Not yet anyway.

8 CHAIR NICHOLS: I can't speak about what he is
9 doing after that, but --

10 CAPCOA EXECUTIVE DIRECTOR ABBS: I'm going to do
11 a 45 second wrap up.

12 CHAIR NICHOLS: Please.

13 CAPCOA EXECUTIVE DIRECTOR ABBS: I apologize. We
14 took too ong. I'm sure Richard will talk to me about that
15 afterwards.

16 (Laughter.)

17 CAPCOA EXECUTIVE DIRECTOR ABBS: But so in
18 closing, I'd like to express our support for the 10
19 communities that CARB staff has recommended. I'd also
20 like to let the Board know that just because a community
21 is not on this list, doesn't mean that they're not going
22 to receive attention. Every district has to do BARCT
23 work, every district is going to be looking a rule
24 development. There's been a lot of district support for
25 adding additional monitors and sensor technologies with

1 funding that we've received.

2 And so in the aggregate, every community is going
3 to benefit with -- through the incentive programs and
4 through the rules that are developed that are not going to
5 be just for those targeted communities, but are going to
6 reach out throughout the districts as a whole.

7 CHAIR NICHOLS: Well, thank you for that
8 assurance. I would also say that I think this is a
9 wonderful opportunity for your organization for CAPCOA to
10 create a forum for the districts to exchange knowledge and
11 experiences, and to all learn and steal from each other on
12 their best ways of reaching out to the communities,
13 because even though every community is different, I think
14 there are going to be some things that we're going to
15 learn here, as we've said from the outset, that will be
16 applicable more broadly. So I'd like to see CAPCOA play a
17 role.

18 CAPCOA EXECUTIVE DIRECTOR ABBS: I agree that's
19 what we're here for. And thank you for giving us the time
20 to express our support.

21 CHAIR NICHOLS: Thank you.

22 Okay. We'll now turn to the witnesses beginning
23 with Assembly Member Kevin McCarty has taken the time to
24 come here and we appreciate that very much.

25 ASSEMBLY MEMBER McCARTY: Thank you. Well, my

1 commute was only a mile and a half so.

2 CHAIR NICHOLS: Okay.

3 (Laughter.)

4 ASSEMBLY MEMBER McCARTY: Byron Sher Community
5 Room. It's my first time here. Thank you for allowing me
6 to participate today on behalf of our Sacramento region,
7 our Sacramento Air Board. I represent the 7th Assembly
8 District, which is the City of Sacramento, City of West
9 Sac.

10 In the application before us in the staff
11 recommendation, the area which would potentially be
12 included is not actually in my district. It's in the
13 districts of Assembly Members Cooper, and a little bit
14 Assembly Member Ken Cooley. But the air, as we know, is
15 all of our air and Sacramento is a very unique place.

16 Sometimes the air quality here being like a
17 bathtub gets trapped, and it has vast impact on the entire
18 region. I had the opportunity to serve on our air
19 district board when I was a city council member 10 years
20 ago, so I know these issues very well.

21 And I voted for and support and I think
22 co-authored AB 617, because I knew that this element of it
23 would have an impact on the area of Sacramento, frankly, a
24 region in California that often gets forgotten. We don't
25 necessarily have the political muscle of L.A. and San

1 Francisco, but I think this is an important element of the
2 AB 16 process.

3 And again, I support the recommendation with this
4 area included. And the dollar amount I know is not
5 included in the recommendation, but that again is \$35
6 million is the request. And then my constituents may say
7 well in addition to the air traveling across these
8 district lines, what about our area next, which has some
9 very acute issues with air quality and climate change, and
10 so forth.

11 It's our understanding that the next year's plan
12 and after would have the opportunity to look at some other
13 areas that are right -- are in the heart of Sacramento.
14 So look forward to that.

15 Thank you.

16 CHAIR NICHOLS: Great. Appreciate your being
17 here. You can tell your colleagues this is a great place
18 to come visit.

19 (Laughter.)

20 CHAIR NICHOLS: Ms. Limon. Yes great. So we
21 have several representatives of other members of the
22 legislature who have come over.

23 Please start.

24 MS. LIMON: Hello. I'm not as tall.

25 Good morning. My name is Marilyn Limon. And I

1 will be speaking on behalf of Assembly Member Miguel
2 Santiago who is a resident of Boyle Heights, and is a
3 proud joint author of AB 617.

4 I would like to respectfully urge the Board to
5 approve the staff's recommendation to select Boyle Heights
6 for both programs. Home to over 90,000 residents, Boyle
7 Heights ranks in the highest pollution percentile in the
8 state. This community has high rates of poverty and
9 unemployment, and has schools that are in close proximity
10 to pollution sources such as three freeways, metal and
11 paint facilities, meat by-products processors, and
12 commuter rails.

13 Such factors, as you all know, contribute to high
14 levels of pollution, which is linked to a wide array of
15 negative health effects. The pollution in Boyle Heights
16 is especially dangerous to all the children living there,
17 which lead to the weakening of development in their
18 respiratory system and placing them in a high risk of
19 asthma.

20 As I mentioned, the member lives in Boyle
21 Heights. He lives there with his wife and two children.

22 Ethan his four year old -- five year old son and
23 Brielle his two year old daughter, both unfortunately have
24 asthma. And the high pollution rates in Boyle Heights
25 only exasperated[SIC] their condition. So this issue is

1 very, very personal to the Assembly Member. It's his goal
2 that we continue to mitigate on the dangerous exposure of
3 air pollution in Boyle Heights, and in the surrounding
4 communities.

5 So based on the strong history of monitoring
6 research, collaboration, and the profound needs of the
7 residents in this community, Boyle Heights is more than
8 qualified to be selected for both programs.

9 So thanks so much for considering my comments.
10 The member and his staff truly appreciate CARB's
11 commitment to fight air pollution through AB 617.

12 Thank you.

13 CHAIR NICHOLS: Thank you very much. In the
14 interests of full disclosure, I should say that I live at
15 the western edge of Assembly Member Santiago's district.

16 MS. LIMON: Oh, nice.

17 CHAIR NICHOLS: So I don't intend to recuse
18 myself, however. I believe I can vote on something
19 affecting Boyle Heights.

20 MS. LIMON: Yeah.

21 CHAIR NICHOLS: Appreciate you're coming over and
22 present this.

23 MS. LIMON: Thank you.

24 CHAIR NICHOLS: Thank you.

25 VICE CHAIR BERG: Well, if we're doing full

1 disclosure, Chair Nichols, I have a business in Boyle
2 Heights. My daughter lives in Boyle Heights. And so
3 we're well represented, I think, in that area.

4 CHAIR NICHOLS: Thank you.

5 BOARD MEMBER BALMES: And I used to teach at USC
6 Medical School in Boyle Heights.

7 (Laughter.)

8 CHAIR NICHOLS: There you go. All right. Here
9 we are.

10 Kelly Burns is next representing Senator Richard
11 Pan, Dr. Pan.

12 MS. BURNS: Hi. My name is Kelly Burns district
13 rep for Senator Pan. I'm here on behalf of the Senator to
14 convey his strong support for the efforts under the
15 Community Air Protection Program. We appreciate that out
16 10 communities identified by the staff, South Sacramento
17 Florin community in his district is one of them. That's
18 where he has his district office.

19 We strongly support and hope that the South
20 Sacramento Florin community will be approved for one year.
21 We need to improve public health in Sacramento region by
22 improving air quality. And your support is crucial to the
23 district's success for securing adequate funding for
24 implementing the measures to reduce pollution.

25 We truly hope and will work towards a continued

1 commitment and recognition of Sacramento's need to improve
2 air quality for years to come. Although we believe Los
3 Angeles, and Central Valley, and San Francisco are
4 certainly in need of State funding, we cannot ignore
5 Sacramento. We hope CARB will recognize that the need in
6 parity with those highly populated areas that have already
7 benefited from funding throughout the state appropriation
8 last year.

9 When our district conducted a robust analysis of
10 our region, they concluded that actually 10 communities in
11 Sacramento suffer from the excess burden as identified in
12 AB 617. The Sac Metro Air District and other districts in
13 the region and our community partners have been vigorously
14 advocating for AB 617 incentive funding in the order of 35
15 million annually for 10 years, which they believe
16 represent an adequate apportionment of the funds in the
17 capital region considering the total amount of funding
18 available to meet these statewide needs.

19 This has been, and will continue to be, a
20 priority of Senator Pan. We just want to stress that
21 these low income and disadvantaged communities display
22 clear evidence that health disparities are right here in
23 our region.

24 Thank you very much.

25 CHAIR NICHOLS: Thank you. I think next on our

1 lists is Larry Carr, member of the Sacramento City
2 Council. We do have a list that's projected up on the
3 Board, so if you see your name is coming up, if you want
4 to move down towards the microphones that would be
5 helpful. Thanks.

6 SACRAMENTO CITY COUNCIL MEMBER CARR: Sure. Good
7 morning, Chair Nichols and members of the Board. Thank
8 you for giving me the opportunity to speak to you. I am
9 Larry Carr. I'm on the Sacramento City Council. I
10 represent District 8. I'm also on the Board of the
11 Sacramento Metropolitan Air Quality Management District.
12 And I appreciate being here. And I'm very curious as to
13 how a room with this many people is so calm.

14 (Laughter.)

15 MR. CARR: We don't notice that on Tuesday night
16 at City Council meetings.

17 (Laughter.)

18 MR. CARR: The area I represent overlaps or is in
19 the general vicinity of the South Sacramento Florin
20 community that your staff is proposing to include, as one
21 of the areas for AB 617. We are in full support. The air
22 quality management district is in full support and our
23 Mayor, who was here and had to leave, is in full support
24 and asks me to convey to you that he really supports this
25 effort.

1 The area in South Sacramento that we are talking
2 about has been one that has been challenged with many,
3 many challenges. And day after day, week after week,
4 month after month, year after year, decade after decade,
5 we watch these same communities struggle. We're either
6 going to do something about it or be satisfied with the
7 status quo.

8 And I'm happy to see that all of the agencies,
9 all of the elected bodies, in our area realized this, and
10 are determined to do something about it.

11 I am really heartened by your discussion to make
12 sure that the implementation funding for this program is
13 flexible, so that we don't box out some communities that
14 didn't meet the environmental screen, but we know that
15 they are impacted.

16 So on behalf of the organizations that I
17 represent and myself, I'm in full support and willing to
18 remain fully engaged in this process.

19 Thank you very much.

20 CHAIR NICHOLS: Thank you. Thanks for coming.

21 Ms. Blackwood.

22 And the next on my list is Amanda Blackwood from
23 the Sacramento Metro Chamber of Commerce.

24 Okay. If she's not here, then it would be
25 Jovanka Beckles.

1 MR. CAYANGYANG: Good morning, Board members. My
2 name is Ruscal Cayangyang. I serve as a aid to Richmond
3 City Council Member Jovanka Beckles, speaking on her
4 behalf. So I want to note that for the record.

5 On behalf a Council Member Beckles, we strongly
6 oppose these recommendations that's before you. She would
7 like to talk to you about concerning AB 617 being more
8 fully implemented than currently.

9 The proposed blueprint -- blueprint to implement
10 AB 617 includes too few communities and plans too little
11 action. It omits impacted communities, not just Richmond,
12 but also Rodeo, Benicia, and East Oakland, and Vallejo.
13 Why aren't these communities not included in the
14 blueprint.

15 If we review the health data from these
16 communities, we have one of the highest rates of asthma
17 and cancer. Council Member Beckles and myself have talked
18 to countless community members who have breathing
19 problems, who have cancer, and learning their relatives
20 have passed away due to health issues. Our people, our
21 communities are dying.

22 If you review the CalEnviroScreen mapping red
23 zones that show the heavily disproportionate impacts, we
24 have the following questions:

25 Why did the -- why did BAAQMD and CARB entirely

1 leave out the Bay Area red zone from receiving emission
2 reductions plans. Why did CARB cut out southeast L.A.,
3 SELA, the heart of L.A.'s red zone from receiving an
4 emissions reduction plan, even though that air district
5 recommended it get one.

6 Only 10 communities in the state are proposed to
7 get any of the plan in the first year, and only seven of
8 these could get an emission reduction plan. The rest of
9 the -- the rest only get air monitoring plans.

10 This is not enough. Dozens of communities need
11 clean up. Many environmental organizations and community
12 groups contend that AB 617 as passed is inadequate. This
13 is unacceptable. While some will claim that it will
14 address the concerns of communities experiencing health
15 effects from fossil fuel extraction, transportation and
16 refining, however, many communities see it as mostly an
17 attempt to buy their silence following the passage of last
18 year's AB 398, the cap-and-trade extension bill that
19 caters to the fossil fuel and other corporate polluters'
20 interests.

21 This -- that particular bill was opposed by -- by
22 more than 40 local, State, and national environmental
23 justice organizations, community members, and community
24 organizations. We urge the Board to include a longer list
25 in the plan, the blueprint, adding not just Richmond but

1 also Vallejo to Rodeo to East Oakland, Southeast L.A.,
2 East Coachella and more.

3 We ask the Board to clean up oil refineries,
4 implement zero-emission transportation, address cumulative
5 impacts from small stationary sources, and start a plant
6 to phase down oil refineries, as well as these cement
7 plants and other polluting industries.

8 Thank you.

9 CHAIR NICHOLS: Okay. Thank you.

10 (Applause.) .

11 CHAIR NICHOLS: I overlooked -- I overlooked the
12 fact that Assembly Member Cooper, who I didn't see, has a
13 representative here. So if I could call on the
14 representative from Mr. Cooper, we'll take you next.

15 Thank you.

16 MR. SIANEZ: Thank you. Good morning. My name
17 is Roy Sianez and I'm here on behalf of Assembly Member
18 Jim Cooper. I'm here to convey his strong support for
19 this Board in moving the goals of AB 617 forward and
20 selecting a community in Sacramento for year one of the
21 Community Air Protection Program.

22 This community will benefit from additional air
23 quality monitoring and targeted emission reductions. We
24 see this as a strong first step to recognizing the need
25 for emission reductions in this region. In fact, the

1 Sacramento Air Quality Management District has identified
2 10 communities in Sacramento that are impacted by exposure
3 to various air toxics and pollutants.

4 There is, therefore, great need for continued
5 support and an adequate share of cap-and-trade funding to
6 support monitoring efforts, targeted emission reduction
7 plans, and incentive programs that will help improve air
8 quality and the health of residents living in the
9 Sacramento region.

10 Assembly Member Cooper looks forward to working
11 with the Board to ensure Sacramento is able to carry out
12 these very important air quality programs.

13 Thank you.

14 CHAIR NICHOLS: Thank you. John Lane, are you
15 here? Followed by Paul Lau.

16 MR. LANE: Good morning, Madam Chair and members
17 of the Board. My name is John Lane and I'm with A.
18 Teichert and Son, which is a 130-year old family-owned
19 Sacramento based construction and materials company here.

20 But probably more important, I also have the
21 honor of being the chair of the Cleaner Air Partnership.
22 That's a 30-year old grass roots public-private
23 partnership here in Sacramento who champion the balanced
24 approach to clean air, low carbon development, and
25 economic viability for the greater Sacramento region.

1 The Cleaner Air Partnership is -- active regional
2 partners include those from business, from the health
3 organizations, the APCOs from five of the district regions
4 that actually make up the region of the Cleaner Air
5 Partnership, environmental groups, and the community at
6 large.

7 So I'll keep this short so that others from our
8 regional delegation and others can speak. I'm happy to be
9 here today on behalf the Teichert and the Cleaner Air
10 Partnership to express our strong support and commitment
11 to the Sac Metro Air District's recommendations to include
12 South Sacramento Florin as one of the 10 initial
13 communities for monitoring, so that we can better
14 understand the pollution sources and impacts that are
15 occurring not only there, but in our region in general.

16 We know what our problem is here. Our problem
17 primarily is regional transport, transportation-related
18 emissions. So we're looking forward to the monitoring to
19 help kind of isolate and identify what not only the issues
20 are, but what the solutions will be into the future.

21 We're also here to support the Sac Florin
22 community and other regional communities for the long
23 haul. We recognize that today is just one step in a long
24 journey, in which all of the partners of the Cleaner Air
25 Partnership and the stakeholders are committed to the hard

1 work together, not only with this Board and staff, but
2 also our community and our stakeholders in general, as
3 future actions and solutions are developed, supported, and
4 then finally implemented in our region.

5 The CAP and its members will ensure that this
6 effort is done collaboratively and effectively to realize
7 the collective goals of improving the health of our
8 disadvantaged communities.

9 So in closing, I'd like to thank you for your
10 time and your efforts to allowing us to speak today.

11 MR. LAU: Good morning, Chair Nichols, and
12 members of the Board. I'm Paul Lau, Chief Grid Strategy
13 and Operations Officer for SMUD. On behalf of SMUD and
14 the Cleaner Air Partnership, of which we're a member,
15 thank you for the opportunity to speak to you today.
16 Thanks also for CARB staff for all the hard work that's
17 been done so far implementing AB 617.

18 Environmental leadership is one of SMUD's core
19 values. So besides committing to reducing our long-term
20 power plant greenhouse gas emissions by using more
21 renewables, we're also investing in programs that lower
22 transportation and build emissions within our local
23 community.

24 This May, we've launched industry-leading
25 incentives. Twenty million dollars over the next three

1 years to promote fuel switching for water and space
2 heating for both residential retrofit and new
3 construction.

4 We're also spending 27 million over the next
5 three years on transportation electrification. Despite
6 all these efforts, we need dramatically more investments
7 and new approaches to ensure that our disadvantaged
8 communities are not left behind. We're grateful to CARB
9 staff for proposing that the South Sacramento Florin area
10 to be included in the first 10 community in the Community
11 Air Protection Program.

12 These residents are the people most impacted by
13 greenhouse gas emissions and air pollution. As a
14 community-owned utility SMUD has a long history of
15 addressing social, economic, environmental benefits, and
16 health equities. By coordinating with regional efforts,
17 we can make such a greater impact.

18 SMUD is developing a Sustainable Communities
19 Strategy to align all SMUD's activities with the designs,
20 needs, and goals of all the communities we serve. We've
21 gotten efforts in the areas throughout North Franklin
22 Community Energy Project. This summer we helped the North
23 Franklin Neighborhood Development Corp secure on-demand
24 electric micro-shuttles through funding by VW's Electrify
25 America.

1 We're also working with Community Resource
2 Project to apply for funding to support an urban infill
3 community solar project built by a workforce from the
4 local community, from that same community itself. And we
5 plan to apply this community-based approach to additional
6 neighborhoods in the future.

7 SMUD is eager to cooperate with our regional
8 partners in supporting the State's effort to reduce local
9 air pollution and provide benefits through future AB 617
10 fundings, and actions directed to the Sacramento region.

11 This effort will go a long way toward helping us
12 achieve and accelerated regional goal. And thank you very
13 much for giving me the opportunity to speak to the Board.

14 MS. LOKKE: Hi. Christina Lokke with the
15 Sacramento Area Council of Governments, SACOG, here to
16 speak in support of the inclusion of the South Sacramento
17 Florin area in your first 10 communities.

18 An enhanced understanding of pollution impacts
19 will help support current and future efforts in this area.
20 SACOG has identified this area in our long-range plan as
21 an EJ community where we want to see increased and
22 targeted investment in clean active transportation and
23 transit infrastructure.

24 As you can see and hear today, there already is a
25 strong partnership with the air district and community

1 stakeholders as evidenced by the Cleaner Air Partnership.
2 And a deeper understanding of local pollution impacts will
3 help these partners leverage their existing efforts and
4 commitments to provide targeted investments to clean the
5 air and provide important clean transportation and
6 development investments in the area.

7 And I just want to also echo the other folks from
8 Sacramento and urging that this just be the first step in
9 greater investment in the Sacramento region.

10 Thank you.

11 CHAIR NICHOLS: Philip Father.

12 MR. FATHER: Good morning, Chair Nichols, Air
13 Resources Board members. My name is Philip Father, and I
14 represent Scepter, Incorporated. I'm the founder. And
15 we're a global air pollution monitoring company and
16 atmospheric.

17 And I'd like to just take one minute to raise the
18 awareness of commercial efforts underway that can backstop
19 and collaborate with such legislation as 617, and the
20 efforts put forward by CARB and the air quality management
21 districts. And, in fact, our two organizations are
22 talking and trying to find ways to collaborate today. We
23 do -- we've taken quite a bit of time to figure out how to
24 do atmospheric monitoring correctly. And it really takes
25 a collaboration of space-based sensors with existing

1 terrestrial sensors, data fusion, and data acquisition
2 capabilities, and also visualization techniques.

3 And in that context, we can actually transform
4 air pollution data into actionable information. And in
5 this regards, we're launching a spaced-based constellation
6 of satellites that we'll be able to monitor some 20 air
7 pollutants along with particulate matter. And our
8 resolution will start at the city block level.

9 So if you think about that in context, we can
10 actually impact the community at that level of resolution.
11 We cannot only help the communities that you've
12 articulated here for an initial roll-out, but all
13 communities in California, and then even the state borders
14 and to understand what's coming in over the Pacific Ocean.

15 We did get a chance to submit more detail on our
16 platform through the portal prior to this gathering. And
17 if you'd like to know a little bit more about our efforts,
18 please see us there.

19 Thank you for your time.

20 CHAIR NICHOLS: That's great. Thank you.

21 Next is Sarah Wiltfong. But before she
22 testifies, I understand that Amanda Blackwood from the
23 Sacramento Chamber of Commerce missed her turn. So if you
24 want to go ahead and speak now.

25 Oh. Okay.

1 MR. SMITH: I am clearly not Amanda Blackwood,
2 but I am here on her behalf.

3 Good morning, members of the California Air
4 Resources Board. My name is Chris Smith. I am the
5 Director of Government Affairs for Sacramento Metropolitan
6 Chamber of Commerce.

7 CHAIR NICHOLS: Okay.

8 (Laughter.)

9 MR. SMITH: The Metro Chamber's for business our
10 advocacy programs support a connected region, prepare a
11 ready workforce, elevate a healthy vibrant community and
12 foster a strong business climate within our six county
13 area.

14 As such, I share to you -- with you today several
15 important perspectives on behalf of our membership and the
16 broader business community as you deliberate and discuss
17 the important policy consideration before you.

18 As a member of the Cleaner Air Partnership, we've
19 collaborated with some of the region's top environmental
20 health and health groups to advance policies that protect
21 public health while at the same time advance economic
22 growth.

23 To date, we've made great progress in cleaning
24 our area. But as our region's workforce increases, so do
25 the challenges of our environment, our businesses, and our

1 residents. Failure to address these challenges can lead
2 to lost or delayed Transportation funding for regional
3 projects, reduced ability to attract and retain a talented
4 workforce, impediments to accommodate large job-generating
5 businesses, and a decrease in employee health and
6 productivity.

7 As we look at ways to improve economic prosperity
8 and inclusion, especially in our social economically
9 challenged areas, we see that there's an incredible
10 opportunity before us, especially to invest in communities
11 most impacted by air pollution, such as the South
12 Sacramento Florin area.

13 We encourage the Air Resources Board to adopt the
14 10 communities recommended in the staff report, and hope
15 for additional funding to help us implement projects and
16 to improve livability in the communities.

17 On behalf of the Sacramento Metro Chamber and its
18 over 1,400 member businesses, we thank you for your time
19 and consideration on this important issue.

20 CHAIR NICHOLS: Thank you. All right. Let's try
21 to resume the order here.

22 Is this Sarah?

23 MS. WILTFONG: Yes.

24 CHAIR NICHOLS: Yes. Okay. Great.

25 MS. WILTFONG: Good morning, Chairwoman Nichols

1 and the Board. My name is Sarah Wiltfong, and I'm here on
2 behalf of BizFed the Los Angeles County Business
3 Federation. We are an alliance of over 170 business
4 organizations who represent over 390,000 employers with
5 three and a half million employees in Los Angeles County.

6 We support the goals of AB 617 and the desire to
7 lower emissions in communities most impacted by air
8 pollution. We have members who live in all the selected
9 communities in the SCAQMD, and we stand ready to work with
10 CARB and the local air district to make sure this program
11 is implemented fairly and effectively.

12 With that, we have some clarifying comments we
13 hope to see in the updated draft. For one, we have
14 concerns with the selection of the Wilmington, Carson, and
15 West Long Beach community, as we believe this decision was
16 premature to qualify for reduction programs, because we
17 don't know what the science was behind that selection.

18 Land-use measures. We appreciate the additional
19 clarification in the blueprint on the separation of powers
20 between local land-use agencies and air quality agencies,
21 but the blueprint still advocates for land-use measures
22 that would apply retroactively to existing land uses,
23 including the termination of incompatible land uses.

24 The City of Paramount has recently demonstrated
25 that municipal zoning codes can be updated to accommodate

1 existing land uses, while simultaneously reducing air
2 emission impacts in surrounding neighborhoods, and
3 preventing or substantially mitigating potential impacts
4 associated with new or modified land uses.

5 CARB should encourage a similar approach in the
6 blueprint. CARB's land-use measures discussions should
7 clarify that proximity restrictions are only appropriate
8 in the context of updated zoning codes for proposed new
9 land uses or modification of existing land uses.

10 And the community steering committees. We would
11 like to make clear that the business community is part of
12 the community, an important piece of the community's
13 fabric, supplying jobs services, and revenue for the area.
14 We intend to be active on the steering committee --
15 committees from both from the business and employee
16 perspective. We have a vital role to play and want to
17 help inform the conversation.

18 Thank you very much.

19 CHAIR NICHOLS: Okay. Thank you. I have been
20 informed that there's at least one contingent of people
21 here who have to leave before noon, I assume, because of
22 transportation issues.

23 I know many people would just as soon leave
24 early, but we have to try to keep order. However, I do
25 want to be fair to people who really have a problem that

1 would require them to jump ahead of wherever they may have
2 landed in the queue.

3 So if you are one of those people who has to
4 leave before noon, what I'm hoping that you'll do is
5 speak to the clerk here, and just let her know, and we'll
6 arrange -- we'll try to rearrange the order of witnesses,
7 so that we can -- so that we can accommodate you. Just
8 approach the desk over here, and we'll do what we can to
9 make sure that you get a chance to speak, because we want
10 to make sure everybody who came gets a chance to talk.

11 I also want to say that I'm proposing to my Board
12 members that we not take a lunch break as a group. Board
13 members are fortunate that we contribute and get a lunch
14 in the back, and people can just step out for a few
15 minutes and grab something to eat when it's convenient.
16 Well keep the flow going, and hopefully that won't disrupt
17 anybody.

18 If anybody is curious, there is a sound system in
19 the back, so we get to listen to what's happening out here
20 even when we -- when we're in the back room.

21 Okay.

22 BOARD MEMBER SHERRIFFS: We'll hear them, but
23 they won't hear us.

24 CHAIR NICHOLS: That's true, or see us either.

25 Okay. Next in line is Lois Henry.

1 Lois.

2 MS. HENRY: Hi. Good morning, Chair Nichols and
3 members of the Board. My name is Lois Henry and I
4 represent BizFed Central Valley. We are a new
5 organization that started up in The Central Valley as the
6 name suggests, and we have 50 members at this point
7 between Kern and Madera counties. And those 50 members
8 represent all walks of businesses, both large and small,
9 from farming, to manufacturing, to the most small mom and
10 pop organizations.

11 Those members collectively represent 20,000
12 businesses who employ 300,000 people in our valley. Our
13 members live and work in the valley, which has significant
14 air quality challenges, as I'm sure you understand, and we
15 also operate under the most stringent air quality
16 regulations in the state.

17 Air quality is a vitally important issue to our
18 members, not only because they, and their families, and
19 their employees all breathe this air, but frankly it's an
20 economic challenge for us as well. It's hard for us
21 oftentimes to recruit and retrain employees and
22 businesses, given the widely -- the widely known poor air
23 quality reputation that we do have.

24 So our members are very -- have a very strong
25 interest in seeing AB 617 implemented properly, and have

1 the best chance for success to improve our air quality and
2 allow our economy to thrive. That said, we would like to
3 point out some issues that our members have with the
4 proposed blueprint for AB 617.

5 Specifically, I'm going to be speaking about two
6 points in appendix C. So first off, in regards to
7 health-based standards, we would like to thank the ARB
8 staff for improving the blueprint in this area, but we do
9 remain concerned that the revised language in proposed
10 appendix C will still be interpreted to encourage air
11 districts to set emission standards reduction targets
12 below state and local health-based standards.

13 ARB provides no clear justification for this
14 step. We have existing regulations and statutory
15 requirements that AB 617 must abide by. AB 617 does not
16 operate in a vacuum. The air district cannot set
17 emissions reduction programs that go beyond legal
18 standards. AB 617 does not supersede existing air quality
19 laws and regulations. So community emissions reduction
20 programs cannot include measures that seek to reduce
21 emissions below applicable standards. We would
22 specifically ask the Board today to direct staff to
23 clarify this area in the blueprint.

24 Secondly, the -- my other point today is in
25 regards to AB 617 exceeding statutory authority. We are

1 concerned -- again, this is appendix C. We are concerned
2 that appendix C requires community emissions reduction
3 plans to contain quote, "regulatory enforcement incentive
4 and permitting strategies", end quote, and the quote,
5 "Most stringent approaches for reducing emissions", end
6 quote.

7 These proposed requirements go well beyond statute
8 and set an impossible standard for community emission
9 reduction programs, leaving them vulnerable to endless
10 criticism about what strategies or measures qualify as
11 quote, "The most significant or stringent approaches".

12 There is also no inclusion in this section about
13 technical feasibility or cost effectiveness.

14 CHAIR NICHOLS: Ms. Henry, you are over your
15 three minute limit. Do you have written testimony, if you
16 want to submit it.

17 MS. HENRY: I can submit these comments. We're
18 just asking -- my last question is we're asking the Board
19 again to clarify this area within appendix C and I can
20 provide you with these -- copies of this.

21 Thank you very much for your time.

22 CHAIR NICHOLS: Thank you.

23 Okay. Amanda Munetan.

24 Are we sorting out the situation over here?

25 Almost. We're close. Okay. Good. Go ahead.

1 MS. MUNETAN: Good morning, Chair Nichols and
2 members of the Board. My name is Amanda Munetan, and I'm
3 a representative for Kern Citizens for Energy. I've taken
4 time away from the office today to travel here from Kern
5 County, because Kern Citizens for Energy knows that this
6 issue is critically important.

7 KCE was founded to support local energy
8 production, and thousands of our citizens who bring that
9 energy to our homes and businesses. Kern Citizens for
10 Energy represents more than 10,000 individuals in Kern
11 County, as well as five unincorporated cities, 10 chambers
12 of commerce, hundreds of small businesses, and
13 representatives from our health care, education, and
14 nonprofit, and public safety organizations.

15 Oil and natural gas is a -- vital to our lives,
16 and it also allows our modern way of living. It provides
17 40,000 -- 40,000 jobs in Kern County alone, and enables
18 Californians to travel throughout the state on a daily
19 basis.

20 We consume millions of gallons daily. Yet, we
21 still have a huge energy deficit, and must import over 70
22 percent more, mostly from foreign countries that don't
23 apply it to California's leading safety, labor, human
24 rights, and environmental standards.

25 On a more personal note, I am a daughter of an

1 immigrant. And our petroleum industry has afforded my
2 father, as well as my family, great jobs and opportunities
3 to succeed here in this country. Those who work in our
4 local petroleum industry do so in the most environmentally
5 responsible way, and with a strong focus on the safety of
6 everyone involved.

7 I would like to highlight one specific point and
8 concerns. Community steering -- the community steering
9 committee makeup. We appreciate that ARB has indicated a
10 more inclusive process, where businesses and the people
11 that work at the potentially impacted facilities will be
12 included in the community steering committees. This
13 inclusion is critical to ensure that any emission
14 reduction programs that are developed allow these
15 facilities to continue to operate and provide employment
16 and benefits in our community.

17 On behalf our thousands of members, I thank you
18 for your time and the opportunity to comment on this
19 issue.

20 Thank you.

21 CHAIR NICHOLS: Just keep going in the order up
22 there until we figure out how we can accommodate the rest
23 of the group.

24 Thanks.

25 MS. ROBERTS: I was willing to forgo some of my

1 time, so I would have been happy to do that.

2 Board members and Chair Nichols, I am Tiffany
3 Roberts from Western States Petroleum Association. And on
4 behalf of the organization, I want to thank you for all
5 the hard work that you have put into this, that your staff
6 has put into this. We recognize the many challenges posed
7 by the statutory requirements of 617.

8 The legislature gave you a lot to do, and a very
9 short time to do it. We believe that the local programs
10 developed under ARB's framework need to show results in a
11 reasonable time frame. And achieving that outcome
12 necessitates an efficient process, and targeted cost
13 effective actions.

14 We appreciate staff's efforts to engage
15 stakeholders in framing the program. Specifically, the
16 ARB consultation group has served a much needed role for
17 bringing a diverse group of voices together. And we found
18 that process to be particularly productive. We want to
19 acknowledge the areas where we see progress from a concept
20 paper to the blueprint.

21 For example, there's a much sharper focus on the
22 most highly burdened communities in the sources and air
23 emissions that drive that burden.

24 There's more clarity on stakeholder roles and
25 responsibilities, and inclusivity in the community

1 steering committee process. And there's greater emphasis
2 on proper development, review, interpretation, and use of
3 monitoring data.

4 There are some areas, however, we would like to
5 highlight where we still feel there could be some work.
6 Specifically, staff is recommending immediate actions in
7 all candidate communities regardless of whether they
8 satisfy the statutory criteria for community selection.
9 Staff is also recommending simultaneous monitoring and
10 emissions reduction programs in seven out of the 10 first
11 year communities, but has not presented enough data to
12 essentially substantiate both of these actions.

13 We believe it's in everybody's best interest to
14 make sure that we've got the appropriate data, and follow
15 the science. This is a shared goal, and there is a good
16 way to do this. It's unclear if the available data will
17 support identification of the sources that drive the
18 exposure burden, much less a determination of the relative
19 contribution to the problem.

20 A trial an error approach to 617 implementation
21 is not going to make the best use of limited resources.
22 And so we would request that the Board direct staff to
23 look at the framework materials and address those issues,
24 so that the program can deliver on its promise for all the
25 communities.

1 Thank you.

2 MS. AYER: Thank you very much. My name is
3 Jacqueline Ayer. I'm actually here on behalf of the
4 Association of Rural Town Councils, which is a consortium
5 of rural neighborhoods in the Antelope Valley so I'm not
6 from the Antelope Valley. Thank you very much.

7 I am an environmental engineer. I have been
8 working in the field of air pollution quantification and
9 control since 1986. I actually got started at Acurate X
10 [phonetic] Corporation, and I worked closely with Carl
11 Moyer who was a colleague and a friend.

12 Two years ago, I was approached by the
13 Association of Rural Town Councils to work with State and
14 federal agencies to request that they install more
15 particulate monitors in the Antelope Valley so that its
16 compliance status with respect to PM2.5 standards could
17 finally be resolved.

18 Our -- this request was made because our COPD
19 rates and cardiovascular disease rates in the Antelope
20 Valley Community are in the highest -- are the highest in
21 the State, actually they're highest in the country.

22 Excuse me.

23 The AV community also ranks among the worst in
24 the state for childhood asthma, and low birth weight
25 babies. We also have the highest poverty rates in the

1 state.

2 In fact, it turns out that the several hundred
3 thousand residents of the Antelope Valley Community live
4 in one of the most unhealthy places in the entire state,
5 with an abysmal environmental justice score. Particulate
6 sources that affect the community, include several major
7 rail freight lines, three major highways and a freeway,
8 multiple trucking corridors that run north/south and
9 east/west and connect Central Val -- Central Valley and
10 Southern California to the midwest.

11 We also have large agricultural operations that
12 will soon be a major source of ambient particulate
13 emissions, because many farms will soon be going fallow
14 due to new water restrictions. Many of the farms, their
15 water resources will be cut in half starting next year.
16 So we expect those farms to contribute to our already
17 existing and substantial ambient particulate problem.

18 There are also 45,000 acres of solar farms in the
19 Antelope Valley that generate significant particulate --
20 ambient particulate, because the Antelope Valley is a very
21 windy place. I go -- I got nowhere in those efforts to
22 expand monitoring the Antelope Valley.

23 But then CAP came along and the ART -- the
24 Association of Rural Town Councils, the ARTC, saw this as
25 an opportunity to secure broad-based particulate

1 monitoring in the community. And the Antelope Valley AQMD
2 agreed.

3 So we put a team together that included health
4 department officials, local planning and land-use
5 agencies, academia, and, of course, residents. We
6 submitted a modest proposal that requested in the hundreds
7 of thousands of dollars. However, the staff report does
8 not recommend the Antelope Valley community for first-year
9 status. It doesn't even appear to recommend it for
10 second-year status.

11 When staff's recommendation was released, we all
12 thought fair enough, there are obviously many more
13 communities within the State of California that are in far
14 more dire straits than the Antelope Valley.

15 But then I looked at the criteria that was used
16 to rank the communities. I looked at the actual data.
17 And what I found was a little startling. According to
18 CARB's own metrics, the Antelope Valley ranks as high as
19 the top 10 recommended for selection, and arguably within
20 the top five, yet we were not selected.

21 There's no reason that you cannot pick 11
22 communities. And I know my time is out, so I'll just say
23 we respectfully request that you contemplate and consider
24 adding the Antelope Valley community because of the
25 rankings that according to CARB's own metrics we certainly

1 warrant within at least the top 10, if not the top five.

2 Thank you very much.

3 CHAIR NICHOLS: Thank you. Appreciate that.
4 Appreciate your comments. And that is an issue obviously
5 that is going to be raised by others as well.

6 So I'm going to call on our next witness, and
7 then I'm going to take five people who -- whose names I'll
8 call out of order. So we'll go ahead and hear from you
9 and then we'll change the order up a little bit.

10 Thank you.

11 MR. LAMARR: All right. Good morning, Chairman
12 Nichols, Board members. I'm Bill Lamarr the Executive
13 Director of the California Small Business Alliance. I
14 came up from Southern California to tell you that our
15 members agree that more should be done to improve air
16 quality in disproportionately impacted communities, but it
17 should not be done without the buy-in or approval of
18 businesses in these communities, especially small
19 businesses, because they are and have been an integral
20 part of these communities for generations.

21 And while I'm sure you agree it's worth noting
22 that since the process began with the formation of the
23 Community Air Protection consult -- Program Consulting
24 Group, not a single small businesses or small business
25 organization has been seated on that group, and we believe

1 that that should change.

2 Very soon, the air districts will be forming
3 community steering committees. And we fear that without
4 direction from this board, small businesses, their
5 associations and alliances will be excluded or
6 underrepresented in these planning groups. Another of our
7 concerns involves the community specific emission
8 reduction programs.

9 While we -- while we understand that the
10 response -- or the purpose of AB 617 and this program is
11 to improve air quality in these burdened communities
12 through more stringent rules, next generation
13 technologies, and more meticulous record keeping and
14 reporting. It suggests that businesses on the other side
15 of these yet-to-be-determined boundaries and not directly
16 emitting into these communities will be operating as
17 business as usual.

18 We believe that these demarcation differences
19 have the potential to create costly competitive
20 disadvantages for small businesses residing within these
21 community boundaries, not because their emissions exceed
22 their permit conditions or because they're bad actors, but
23 only because of where they're located.

24 We hope that the final version of the blueprint
25 will give some clarity to this issue, and hopefully

1 include a clear definition of a community boundary.

2 Finally, we support the use of incentives
3 especially for small businesses that may find it
4 challenging, if not impossible, to invest in these next
5 generation technologies. We appreciate the opportunity to
6 comment, and hope to be invited to our two -- and provide
7 input and ideas in the development and implementation of
8 this important program.

9 Thank you.

10 CHAIR NICHOLS: Thank you, Mr. Lamarr. Those are
11 very thoughtful comments and we will take them to heart.

12 Okay. I am now going to turn to person 31 on the
13 list, Magali Sanchez-Hall, if she would come forward and
14 ask also Janet Johnson, Andres Soto, Esther Golsby,
15 LaDonna Williams and -- I'm going to butcher your name and
16 I apologize - Zolboo Namkhaidorj from CBE to come forward
17 so we can take you next in line.

18 So beginning with Ms. Sanchez Hall.

19 MS. SANCHEZ-HALL: Yes. Hi. Thank you so much
20 for allowing us to come and speak before everyone else due
21 to the fact that we do need to go back and get -- catch a
22 flight.

23 Well, my name is Magali Sanchez-Hall. I'm a
24 community resident of Wilmington, California. I am
25 immigrant Latina woman who was one in my family and

1 probably in my whole community able to go to a Master's
2 Degree at UCLA, and got an MPB. Therefore, that's when I
3 found out everything that's happening in my community.
4 And I see this great work, and I totally approve of what
5 you're doing, allocating funds to -- funds to where we
6 really need it. We thank you for that.

7 I'm going to read something that I wrote very
8 quick. Thank you very much for choosing Wilmington,
9 Carson, West Long Beach for a Community Emissions
10 Reduction Plan. We wish all EJ communities in the state
11 got one, and we're lucky. Wilmington has five oil
12 refineries, the largest urban oil field with drilling
13 right next to the people's houses, right next to the two
14 massive ports of Los Angeles and Long Beach, and an
15 incredible diesel truck traffic from the ports.

16 By the way, I live 500 meters away from Tesoro,
17 which is one of the emerging to be the largest refinery in
18 the west coast. And now the Tesoro refinery is being
19 allowed to expand to become the largest refinery in the
20 west coast, it wants to add 3.4 million barrels of new
21 crude oil storage. It is increasing the massive coker
22 heater's maximum fuel use, And adding dozens of new
23 pressure relief device connections to flares.

24 And many more units are expanding. Even though
25 it is shutting down one big unit, it is being allowed

1 credits from the shut down to offset expansions throughout
2 the refinery. Tesoro also has announced it wants to bring
3 in Canadian tar sands crude oil, which was not in the
4 environmental impact report provided by the AQMD.

5 The South Coast District is rubber stamping
6 permits expansions and constantly giving refineries
7 sweetheart deals in a community that has the most
8 concentrated oil refining in the state. We need the Air
9 Resources Board to first stop the expanding oil refineries
10 and increasing emissions; and second, require the South
11 Coast District and refiners in the state to replace their
12 oil boilers and heaters, and make sure we get real
13 emissions cuts from the air district.

14 We also need CARB to make sure that the community
15 steering communities that will advise the District on the
16 development of the emissions reduction plan. It's not
17 stuck by the South Coast Air District. We want community
18 control over this committee.

19 We just got a notice yesterday, by the way, that
20 the South Coast is holding its first community steering
21 committee next Tuesday night, so we only got one week
22 notice. We don't want them to control who is in the
23 steering committee. This should be directed by the
24 community, and the community should be consulted about
25 when it is scheduled. We need you Board to ensure that

1 the community has real control and that the Emission
2 Reduction Plan requires specific emissions reductions.

3 Thank you very much for holding this meeting and
4 I'll thankful for being here.

5 (Applause.)

6 CHAIR NICHOLS: Okay. Ms. Johnson.

7 MS. JOHNSON: Good morning, Chair Nichols and
8 Board. Thank you very much for the opportunity to speak
9 with you today. My name is Janet Johnson, and I'm a
10 resident of Richmond, and you probably know that we have
11 numerous sources of toxic air pollution, including
12 primarily the Chevron refinery. We are concerned -- I'm
13 representing the Richmond Progressive Alliance, and
14 Sunflower Alliance, which is a group of organizations and
15 individuals that are concerned about fossil fuel
16 expansion, and we are the fossil fuel campaign for 350 Bay
17 Area.

18 We are concerned that communities like Richmond
19 are not included in the -- in the initial list of
20 communities that are supposed to get some money for actual
21 emissions control, first off.

22 We have been suffering for generations. There
23 are people -- I have a friend who teaches in a community
24 school that's within the shadow of the refinery, and she
25 says like three-quarters of the kids in our -- in her room

1 have asthma. And even if that's -- even if that's an
2 exaggeration, even if it's only half the kids, this is
3 a -- this is a sacrifice. These people are living in a
4 sacrifice zone. I live three miles away, but I live
5 within 1,000 feet of a freeway, and I'm grateful that I'm
6 not sick yet.

7 We want to -- we also want to hear about a
8 strategy to enhance the capacity of AB 617, we're
9 concerned that you may not be able to have the resources
10 to have more -- more communities. I mean, the woman from
11 the Antelope valley who spoke, that's heart breaking.

12 We want to see more diverse funding for the air
13 districts. Presently, their funding comes from fines and
14 permits. Now, tell me if they receive money for
15 permitting refinery expansions isn't that an inherent
16 conflict of interest?

17 We want to see no refinery expansion. We want to
18 see no tar sands brought into the Bay Area. What about --
19 what about working on the legislature to get an oil
20 severance tax to fund these programs? We're -- we're the
21 only state in the United States that does not have a tax
22 on getting this stuff out of the ground. If we are going
23 to continue doing that, we need to -- we need to make some
24 money off this, and fund these programs for disadvantaged
25 communities. We need to phase out fossil fuels and we

1 need to come up with a plan to decommission refineries.

2 Thank you very much.

3 (Applause.)

4 CHAIR NICHOLS: Thank you. Mr. Soto.

5 MR. SOTO: Good morning, Chair Nichols and
6 members of the Board. My name is Andres Soto and I'm a
7 Richmond organizer for Communities for a Better
8 Environment. And I'm joined by some of our members here
9 who are able to come up today. Others would have liked to
10 have been here.

11 At the outset, we opposed AB 398, we oppose cap
12 and trade, and we opposed AB 617, because we know it
13 allows industry to continue to pollute on us while they
14 get to continue to make their profits.

15 That being said, we're also extremely
16 disappointed that Richmond was not included amongst
17 this -- the communities that first get to have emissions
18 reductions rules. Our community has been suffering from
19 the industry in the midst of our community, including the
20 refineries for over a hundred years. The first refinery
21 was established in 1901 in Richmond, so we don't need to
22 be studied anymore. We need some real reductions.

23 One of the reasons we oppose AB 398 was the dirty
24 deal that Governor Brown cut with WSPA, Western States
25 Petroleum Association, in order to get them to get off

1 opposition, the ten point wish list, which included
2 getting rid of local air districts' abilities to reduce
3 greenhouse gases. And so that kind of dirty deal tells us
4 this whole thing is a set up, so we're not surprised that
5 we're excluded from this.

6 But, you know, our community has suffered, our
7 individual families have suffered. I had a brother who
8 died of brain cancer a month before his third birthday.
9 My other brother got tongue cancer in his mid-thirties, even
10 though he had no risk factors.

11 All my family, my parents and myself and all my
12 siblings got adult onset psoriasis. One of my sisters got
13 melanoma because of her UV treatment for her psoriasis,
14 and another sister has had endometriosis and ovarian
15 cysts. The commonality is these are all autoimmune
16 diseases that are created by the pollution that's created
17 in our community.

18 So it's an extreme environmental injustice for
19 you guys to continue to exclude us. So we're here to ask
20 you today to demand of you, put Richmond on the list, plus
21 the other communities that are perpetually suffering. If
22 it's a question of resources, you don't have the capacity,
23 then let's fight together to get the legislature to
24 provide the resources for yourselves, as well as for the
25 local air districts, because they're going to have to

1 implement this stuff.

2 And we already know, we heard, you know, the
3 crocodile tears from the industry talking about, "Oh, make
4 sure you include us in your community advisory groups".
5 Well, we know that their only purpose there is to obstruct
6 and to obfuscate progress in this area. So that's where
7 we're coming from.

8 Thank you.

9 (Applause.)

10 CHAIR NICHOLS: Okay. Ms. Golsby. Excuse me,
11 Ms. Golsby. I'm just going by the list.

12 MS. GOLSBY: Yeah, I want to switch. I'm going
13 after. Okay.

14 MS. NAMKHAIDORJ: Good morning, everyone. My
15 name is Zolboo Namkhaidorj. I'm with Communities for a
16 Better Environment.

17 First, I want to ask, what is the point of a
18 public comment period or even this so-called public
19 engagement process, when our community asks -- when your
20 communities' asks are ignored and then met with the
21 defense when our communities are literally fighting for
22 our lives, while playing by your rules.

23 We can't wait, because we've already lost so many
24 lives, and we're still losing them. Richmond is still
25 waiting, and waiting, and waiting, and has been waiting

1 for action, and we've been chosen for air monitoring. And
2 for what?

3 You have all this funding that you're talking
4 about. Why not make it worth while and have a heart and
5 choose Richmond for an emission reduction plan now,
6 please. And thank you.

7 MS. GOLSBY: My name is Esther Golsby for the
8 record.

9 First, I would like to ask how many people on
10 this side of the room live in communities that are
11 polluted every day?

12 (Hands raised.)

13 MS. GOLSBY: That's not a lot.

14 How many people on this side of the room?

15 (Hands raised.)

16 MS. GOLSBY: Okay. So basically I'm asking that,
17 because it's really hard when we come up here testify and
18 give our individual experiences, family members, children.

19 When community groups come up here and we say we
20 seek for a community, I've heard the word "community", so
21 much today so far. And it's -- it's heart breaking,
22 because when I say community, I know who I'm speaking for.
23 I'm seeing for the four elementaries that live downwind
24 from a foundry that's been there for over 112 years.

25 Each school, more than 600 people, children

1 developing. When I hear companies and industries speak
2 about community, I question, because then you're talking
3 about corporations and then the jobs, but those are people
4 too. But again, who lives there daily, breathing this in?
5 Some people don't even know what they're passing away
6 from. Some people have no idea, because health insurance,
7 because, you know, just the family tree of diseases.

8 It's hard as hell to come here. It's hard to
9 testify each time. It's hard to get ignored. Media
10 doesn't cover us. And when they cover us, they just were
11 angry. I'm an angry black woman right now, and I'm trying
12 to be calm.

13 When we talk about environmental racism -- when
14 you talk about racism, I know a lot of people are like,
15 "I'm not racist". If you don't understand what we live
16 with every day, and you don't have to endure that, and you
17 careless -- maybe you care and maybe your job is not
18 allowing you to do it. I ask all of you to challenge
19 every last status quo. Challenge it. Change it.

20 How are we going to get any better if we keep
21 going on with the same, same thing? Your votes, they're
22 probably already made up. All the late night
23 conversations, texts that we got on how today was going to
24 be, I'm glad my train is leaving. We've got to cut the
25 bullshit. We've got to cut the emissions. Cut the

1 bullshit, cut the emissions. Cut the bullshit. Cut the
2 emissions.

3 (Repeated in unison.)

4 MS. GOLSBY: Stop permitting all of these. The
5 permitting is the factor. Permitting obligations, my ass.

6 I apologize for the language. But seriously, our
7 lives, our lives.

8 (Applause.)

9 CHAIR NICHOLS: I have one more name on the list
10 that was asking to come up led. That was LaDonna
11 Williams?

12 MS. LaDONNA WILLIAMS: Yes.

13 CHAIR NICHOLS: And then that would complete the
14 group.

15 Okay. Ms. Williams.

16 MS. LaDONNA WILLIAMS: Good morning. My name is
17 LaDonna Williams. And my current community is going back
18 to my old one, Vallejo, California. One of my other
19 communities back in the years was El Centro, California,
20 and also Midway.

21 I'm here as a community member. Although, I do
22 serve a nonprofit organization. But we need you all to
23 understand. We are burying our loved ones. We are sick
24 and dying. And we're coming here year after year - thirty
25 years at least I've put into this - to come and plead for

1 you all to make the right decisions through AB 617 or an
2 AB 398.

3 And as the previous speaker said, it's actually,
4 instead of Assembly Bill, it's all bull. Because if you
5 are going to only monitor us to death -- and I think Ms.
6 Nichols said it right in her opening statement, well, you
7 all are guinea pigs. And I get that you meant it in a
8 positive way with the program, but we're living it in a
9 literal way with our lives.

10 And what's happening is if these agencies will
11 not put -- and I have a new technology for you all that
12 will guarantee start to reduce it. But if you agencies
13 won't use what we put forward. You say we're the
14 community leaders, we're the experts and you're listening,
15 then listen to me. Here's a new technology, don't permit
16 toxic emitters in our communities that are already
17 overburdened, disadvantaged. We're sick and dying. We're
18 in every acronym you can name that shows we are already
19 sick and dying.

20 We don't need more monitors. We don't need more
21 testing. You already have the data, because you're
22 labeling us. And it's true, you allow these companies
23 into our communities. And you know what the fallout is,
24 but you still keep admitting them, allowing them,
25 permitting them whatever words you want to use. Mr.

1 Broadbent got up, and we've worked with them over the last
2 couple of years to try and come up with programs that
3 would really start to help our communities and reduce the
4 exposures. But then they turn around, look us in the
5 face, and permit more.

6 Sixty-one million gallons, tons, or whatever of
7 more crap to come in and kill my community. Just buried
8 another friend, just buried another relative. When they
9 did that expansion, we just found out three more people on
10 the block stroked out. Their trees are turning black.
11 What evidence do we need, what AB bill do we need to come
12 forward to say common sense -- common sense is stop the
13 pollution to begin to reduce it. You don't increase it,
14 and then give us a few little pennies and say, oh, this is
15 going to suffice in a program, so we're going to give you
16 this blood money, and on the other side we're going to
17 still allow them to come in and kill us with their
18 chemicals and their business activities.

19 You've got to stop it. So at what point do we
20 stop it, and at what point can we trust you all with the
21 process, and work with you. I have no problem being a
22 team player. Ms. Eady has been wonderful. Jose has been
23 wonderful. Greg Nudd, they've all been kind of a
24 different approach with us where they at least come to the
25 table and appear to really be trying to work this out.

1 But if we all are going to be afraid and beholden
2 and enslaved to industry and being afraid that they're
3 going to sue us, and you all allow this, then you are
4 guilty for the killing and the genocide of my community,
5 and everybody else's that's getting up here pleading for
6 you.

7 So let's leave with the word environmental racism
8 is alive and well. You guys give us the three minutes to
9 get up here and throw all this out, and we're nervous as
10 hell because trying to get our words in. And everything
11 is running through the brain. In the meantime, you know
12 if you don't say the right things to you people, you leave
13 and it's business as usual until the next meeting.

14 And in the meantime, I bury another family
15 member. In the meantime, I bury another loved one. So at
16 what point do we put real measures in place that begin,
17 number one, to reduce. Not monitor. I don't need you to
18 monitor me to death, because that's what's happening here.

19 So every community, I appreciate you guys chose
20 West Oakland. They need it. Richmond needs it.
21 Wilmington needs it. El Centro needs it. Midway Village
22 needs it. All of these communities. Pittsburg. We need
23 reduction first. We don't need any more monitoring. We
24 have that. We have the data. We just need you to put it
25 in place so that we can really start to change things and

1 do it differently.

2 Thank you.

3 (Applause.)

4 CHAIR NICHOLS: Thank you all for coming. I'm
5 sorry that you have to leave, because I think we're going
6 to have some discussion about the exact points that you
7 were raising, and that actually were raised by Mr.
8 Broadbent at the very beginning, which is how do reconcile
9 the current paradigm of source-by-source permitting
10 according to existing rules with the fact that we have
11 concentrations and land-use decisions that have resulted
12 in some really terrible conditions. This is what we have
13 to try to figure out. So I appreciate that, and wish you
14 God speed and safe travels.

15 I'm going to resume the list that we had to begin
16 with. With Kristin Connelly.

17 MS. CONNELLY: Good morning, Chair Nichols,
18 members of the Board. My name is Kristin Connelly. I'm
19 President and CEO of the East Bay Leadership Council.
20 We're a regional business organization representing
21 employers across all sectors, health, banking, energy,
22 green technology, very diverse group of organizations and
23 employers, as well as nonprofits of many different kinds.

24 We have a very big mission to improve economic
25 vitality and quality of life, so I can recognize that it's

1 very difficult to do complex things all at once, to both
2 reduce emissions, which is an incredibly important part of
3 617, which is a bill that our organization endorsed, and
4 to do so in a manner that continues to allow the economy
5 to move forward.

6 I did want to just acknowledge Supervisor Gioia's
7 comments and Mr. Broadbent's comments. And I'll have a
8 question about some of that at the end of my remarks, but
9 wanted to make three points.

10 In regards to the community selection criteria,
11 it is critical that as the Bay Area Air Quality Management
12 District, which is who we're working with and going to be
13 closely following in this process, as it moves forward in
14 implementing 617, that the CSC process ensure that they
15 follow the process steps outlined in the 617 statute in
16 developing the necessary science and data, which includes
17 monitoring, source identification, source attribution
18 necessary before developing and implementing any emission
19 reduction plan. And in that regard, we urge ARB and the
20 district to be more transparent in their process on how
21 this information will be developed.

22 With respect to community boundaries, the
23 blueprint and CARB's 2018 community recommendation staff
24 report suggests that final geographic boundaries for
25 selected communities will be defined by community steering

1 committees.

2 Deferring this decision to these committees
3 without further guidance is potentially a recipe for
4 greater confusion, conflict, and delays in the AB 617
5 implementation process. CARB should add language
6 requiring designation of final community boundaries before
7 any work begins on a community emissions reduction
8 program, and remove all language proposing application of
9 program requirements to sources quote, "directly
10 surrounding selected communities".

11 CARB should also clarify that the air districts
12 are responsible for designating community boundaries in
13 consultation with the CSCs.

14 With respect to source attribution, we look
15 forward to additional information on how source
16 attribution methodologies should be implemented in CARB's
17 online resource center. We stress the importance of
18 performing a detailed and comprehensive source
19 apportionment as the first step in any community emissions
20 reduction plan, as it is impossible to design an effective
21 emissions reduction program that satisfy -- satisfies the
22 requirements of this code section without first
23 understanding which sources are contributing to the air
24 quality impacts in the selected community, the materiality
25 of their contributions, and how their contributions

1 compare to those other sources impacting the community.

2 So then my -- just in closing, my last -- my
3 question was if you were -- if the comments about the
4 accelerated BARCT schedule that you referenced in the
5 beginning, is this consistent with the air district --
6 what the air district is saying publicly or is this above
7 and beyond what's already been discussed?

8 BOARD MEMBER GIOIA: This is an acceleration
9 beyond some discussion to acknowledge that we have enough
10 information with regard to stationary sources and
11 refineries, that's there's an acknowledged need to reduce
12 emissions in the areas identified by these three rules,
13 and to accelerate the adoption of those rules starting the
14 development in early 2019.

15 MS. CONNELLY: Thank you very much.

16 CHAIR NICHOLS: Ms. Whittick.

17 MS. WHITTICK: Hi. Good morning. And thank you
18 for the opportunity to comment today. I am Janet Whittick
19 here with CCEEB, the California Council for Environmental
20 and Economic Balance, and we're very pleased to see the
21 blueprint moved forward today. We really thank staff for
22 making this -- what was impossible, possible. This was a
23 tremendous task, and the district and CARB deserves every
24 credit for it.

25 CCEEB submitted written comments in the

1 blueprint, and we hope Board members take an opportunity
2 to at least read the highlights. There's only five easy
3 bullets. And so we encourage you to take a look. There,
4 we focus on moving the process forward where the rubber,
5 the blueprint, actually hits the road of reality.

6 While the blueprint sets the State's policy
7 framework, the technical work needed to underpin action is
8 still under development. For example, the blueprint
9 describes technical assessments needed to inform community
10 plans, which includes establishing ambient background
11 conditions, identifying pollutants of concern, source
12 attribution, and inventories that are going to be based on
13 new emissions reporting and air monitoring.

14 We believe that by following these steps, as
15 outlined in the blueprint, 617 will have a sound
16 scientific basis for targeted and effective actions. Yet,
17 the way we do these evaluations and the methods to be used
18 have not yet been defined. Similarly, CARB and the
19 districts will be deploying new monitoring technologies at
20 the very forefront of air quality science.

21 Making this data accessible and communicating
22 meaning presents a whole nother challenge. CARB's
23 database for real-time monitoring integrates dozens of
24 independent networks, and millions of discrete data
25 points, and has really no known equivalent in the world.

1 This is exciting, but again CARB is being asked to make
2 the impossible possible, and -- as it foregoes into the
3 world of big data and machine learning. And the data must
4 be valid and credible, because if not, it means nothing.

5 In the end though, this is a program about
6 reducing emissions. We can't get distracted from this
7 core mission, or we won't succeed no matter how many
8 sensors we deploy, or how many meetings we all attend.

9 So here at CCEEB we ask that the Board be mindful
10 of these technical challenges, and the limits to agency
11 resources, staff capacity chief among them. There's great
12 opportunity to effect real change in California
13 communities, and we at CCEEB were grateful to be a partner
14 in this work.

15 Thank you.

16 CHAIR NICHOLS: Thank you.

17 MS. ARNOLD: Good morning and thank you, Chair
18 Nichols and Board members. My name is Meg Arnold. I'm
19 with an organization here in the Sacramento region, which
20 is called Valley Vision. Our role here today is due to
21 the fact that we manage the Cleaner Air Partnership that
22 you've heard a few Sacramento speakers refer to already
23 this morning.

24 The Cleaner Air Partnership is an extremely
25 strong working partnership that was founded more than 30

1 years ago by Breathe California Sacramento region, and by
2 the Sacramento Metro Chamber of Commerce. The cleaner Air
3 Partnership is focused on accomplishing triple -- the
4 triple objectives -- the triple -- and I should say
5 co-equal objectives of improving public health, ensuring
6 economic vitality, and increasing equitable access to
7 people across the region, particularly as all three of
8 those objectives are affected by air quality issues.

9 The Cleaner Air Partnership and Valley Vision
10 work with communities and partners across the entire
11 Capital region. So because we want to be precise about
12 the role -- the words "community organization" today, I
13 will say that we do not -- we are not here today, I am not
14 here today on behalf of Valley Vision, as a community
15 organization. We're fortunate that two speakers yet to
16 come are positioned and able to speak in that role. Those
17 are Breathe California, Sacramento region, and the
18 Franklin Neighborhood Development Corporation.

19 Many of the Sacramento speakers you've heard are
20 partners in the Cleaner Air Partnership. We also work
21 with all five of the air districts in our region. We're
22 encouraged that the community air protection program will
23 enable direct impacts on those who are living in our most
24 affected and most in-need neighborhoods in the region.

25 As you know, our region is particularly

1 disproportionately affected by mobile emissions. And the
2 selection of this particular community, as well as the
3 other nine that were recommended by the Sac Metro Air
4 District were validated both by its significant data and
5 analytical approach, and also by the significant and
6 serious ongoing engagement with the priorities of people
7 living in these communities every day.

8 So at Valley Vision we share our Cleaner Air
9 Partnership Partners support for the 10 communities
10 identified by ARB staff, as the first community air
11 protection program communities. And particularly, we
12 support the inclusion of South Sacramento Florin on that
13 list. We very much look forward to continuing to work on
14 these issues into the future, and notably to adding future
15 communities -- further communities, I should say, to the
16 clean -- Community Air Protection Program, both across the
17 State and certainly here in our region.

18 Thank you very much.

19 CHAIR NICHOLS: Thank you. I was operating under
20 the impression that there was a group of people from
21 Sacramento who were going to testify together. Is that
22 wrong?

23 MS. ARNOLD: I apologize. We weren't certain
24 what just my name meant up there. We thought it meant
25 just me, but we do have -- we can bring.

1 CHAIR NICHOLS: Oh, well -- no, it meant six
2 minutes for the group.

3 MS. ARNOLD: Oh.

4 CHAIR NICHOLS: So come on down, please. We're
5 asking you if you're here in the support of the
6 designation of Sacramento to sort of pool your time and
7 ours, so we can hear it more effectively and use the
8 time --

9 MS. ARNOLD: Absolutely.

10 CHAIR NICHOLS: -- more effectively.

11 MS. ARNOLD: So Katie Cox from Breathe
12 California, and shortly Angelina Rahimi from Franklin
13 Neighborhood.

14 CHAIR NICHOLS: Thank you.

15 MR. COX: Thank you for your time again. My name
16 is Katie Cox and I'm deputy director at Breathe
17 California, Sacramento region, a non-profit focused on air
18 quality and lung health. Breathe is a founding member of
19 the Cleaner Air Partnership, and deeply invested in
20 Bettering the health outcomes of vulnerable populations,
21 and disadvantaged communities.

22 Breathe has ongoing engagement efforts in the
23 South Sacramento Florin Community in response to the
24 severity of air quality related lung health issues that
25 are common among residents. The Sacramento Florin

1 community isn't important to me exclusively because of the
2 valuable indicator data that comes out of the
3 CalEnviroScreen tool, this community isn't only important
4 to me because of poor health outcomes and disproportionate
5 air quality burdens and the cascading effects of early
6 onset lung health issues in children that results in
7 higher rates of school absences, that we all know can
8 lower life-long learning outcomes, creating barriers to
9 higher education and high wage work, thus perpetuating a
10 person's disadvantaged status.

11 This issue can be worked through with mapping and
12 statistics, but I'm grateful for this platform, because
13 this is where I grew up. The neighborhoods within the
14 South Sacramento Florin zone are diverse, resilient,
15 dynamic and live. I can talk about poverty, food and
16 security, heat effects, lack of access to care,
17 insufficient transit options, and resulting chronic
18 absenteeism in ways that are not abstract.

19 I can speak about the lack of resources within a
20 community that put disproportionate burdens on its
21 residents from a place of knowing and a place of deep
22 respect for the struggles that are no longer my own, but
23 that a great many individuals, families, and children in
24 the South Sacramento Florin area are navigating at this
25 minute.

1 I know that similar struggles are shared by some
2 10 communities in the Sacramento region and more in our
3 surrounding districts. I know that in the past somewhere
4 in the range of 95 percent of cap-and-trade and community
5 air protection funds have gone to the three largest air
6 districts in California.

7 The Sacramento region has not received its
8 proportionate of resources. And I am here to advocate for
9 my community and urge that the Board support staff
10 recommendation to do the same.

11 Thank you.

12 CHAIR NICHOLS: Thank you.

13 MR. WILLIAMS: Hello, Chair and member of the
14 Board. I'm Tyrone Rodrick Williams and I stand before you
15 today in serving in two capacities, as the director of
16 development at the Sacramento Housing and Redevelopment
17 Agency. We serve both the City and the County of
18 Sacramento.

19 Our agency leads and funds matters addressing
20 public housing and the creation and rehabilitation of
21 affordable housing. In addition to that, as the lead
22 agency for the Sacramento Promise Zone, we're actively
23 engaged in addressing issues related to health, education,
24 jobs, and sustainable communities.

25 We support the recommendation that the South

1 Sacramento Florin area be included in the first 10
2 communities. And we acknowledge that there are other
3 communities like the Twin Rivers project in the Sacramento
4 River District that are listed for future -- further
5 inclusion in future communities.

6 I also stand before you as the Chair of the
7 Sacramento Disadvantaged Communities Advisory Group. We
8 serve the California Energy Commission and the California
9 Public Utilities Commission. The goals of the
10 recommendations before you today support our goals, and we
11 offer the opportunity to collaborate with you as we both
12 seek to address issues addressing and impacting
13 underserved communities in our State.

14 Thank you.

15 CHAIR NICHOLS: Thank you.

16 Okay. This might be a good time to say that I'm
17 told -- I can't see the court reporter, but there --

18 (Hand waving.)

19 CHAIR NICHOLS: A hand is waving from the depths
20 down there that we need to have a brief break for the
21 court reporter. So I am going to ask for a 10-minute
22 break, which I know really will be 15, but let's really
23 try to make it 10, and others can stretch. And during
24 that period of time, if people want to talk about
25 schedules for testimony, we can work down here.

1 Thank you.

2 MS. GORDON: Excuse me?

3 CHAIR NICHOLS: Yes.

4 MS. GORDON: But you've got me standing here.

5 CHAIR NICHOLS: Hello. I'm sorry.

6 MS. GORDON: So you'll take a break and I can go
7 back and sit down?

8 CHAIR NICHOLS: Is that all right?

9 MS. GORDON: Do what you got to do, because I'm
10 going to do what I've got to do.

11 CHAIR NICHOLS: Thank you.

12 MS. GORDON: All right. Thank you.

13 (Off record: 11:54 a.m.)

14 (Thereupon a recess was taken.)

15 (On record: 12:13 p.m.)

16 CHAIR NICHOLS: I hope you enjoyed your break.
17 Time to get back to work.

18 If this were the Senate, I would just call for a
19 vote right this minute.

20 (Laughter.)

21 (Thereupon a discussion occurred off
22 the record.)

23 CHAIR NICHOLS: All right, everybody, we're ready
24 to get started. I feel like the teacher.

25 BOARD MEMBER BALMES: We need everybody to sit

1 down so we can get started.

2 CHAIR NICHOLS: Ooh. How comes yours works?

3 Wow. Senator Flores is in his seat. Dr. Balmes
4 is in his seat.

5 (Laughter.)

6 CHAIR NICHOLS: There you go.

7 (Laughter.)

8 CHAIR NICHOLS: Ms. Takvorian is in her seat.

9 All right. We're going to get going. We still
10 have a quorum. Anybody who isn't here is in the back, but
11 they are within hearing distance. So we're going to
12 resume the hearing, as we speak. And Ms. Margaret is
13 going to be our first witness.

14 And there she is at the podium.

15 MS. GORDON: Well, good afternoon, now, everyone.

16 My name is Ms. Margaret Gordon. I'm with the --
17 I am the organization that has been attached to Bay Area
18 Air Quality as one of the first communities doing the --
19 citizen doing the AB 617 community action plan. All
20 right.

21 I am a -- I am a co-founder and co-director of
22 the West Oakland Environmental Indicators Projects going
23 back since 2002. And I want to clarify something, that
24 West Oakland Environmental Indicators done or work to be
25 that -- be chosen for that community. We have been doing

1 our own air monitoring since 2006, before it came this
2 sexy thing everybody else was trying to do. And then in
3 the last two years -- and in the last two years, we have
4 done multiple projects. The Google Car Air Monitoring
5 Project to prove evidence that we're still impacted in
6 West Oakland. We did a 100-by-100 sensor project all
7 through the neighborhood. And then we also participated
8 in a cardiovascular disease project within West Oakland
9 all in the last two years.

10 We also have our own air monitoring. We have our
11 own air monitors that we train residents with. So we've
12 been doing this for awhile. And so to be much more
13 specific, we have done the -- our work prior to anybody --
14 prior for 617, we have been engaged with the Port of
15 Oakland around doing the maritime air quality plan in
16 2008.

17 So we have done the work to say that we are
18 identified as that group -- as that EJ group that has done
19 the work. All right, so -- and being -- but we still
20 impacted as a community. I'm going to use the word
21 "impact", not the community, but an impacted community.

22 And to be more specific, we should be -- we
23 should be having more understanding from your staff --
24 from CARB staff about what it takes to be part of
25 community engagement. We have staff come to doing a pilot

1 project, and has not given us a preempt of why -- why
2 we're -- why you're doing -- why are you doing any more
3 monitoring in the community than -- that not giving us
4 input in how the design or the plan is?

5 That's part of the problem here, that there is
6 too many -- too much broadness and not enough specifics
7 that being generated in this whole AB 617, and that we
8 need -- and many of your staff do need to understand about
9 community engagement. Don't blame your plan and I don't
10 have no -- I have no in -- I hate the word input and
11 feedback. I cannot give you direction in the design.
12 That is wrong. That is not what this is supposed to be
13 about.

14 And we need to be much more clear. And my
15 partnership that I have with Bay Area Air Quality. I have
16 a partnership with them. I have a written document of the
17 dos, don'ts, inputs, impacts, whatever. We have -- and
18 being a co-lead process. I don't know about the other
19 communities will have the same type of documentation of
20 saying how we would work with each other.

21 So let's -- we need to be much more clarifying in
22 AB 617 that has not been done, and how the planning, the
23 designing, the shaping of the tables for the steering
24 committees, all those things, and how you -- how your
25 staff is going to be included in anything that we're

1 doing. That staff needs to be more up front and engaged,
2 and not at the last minute tell me, hey, we would like the
3 to be at your meeting. No, that's not happening like
4 that.

5 Thank you.

6 (Applause.)

7 CHAIR NICHOLS: Thank you, Ms. Margaret.

8 Nayamin Martinez. There you are. Thank you.

9 MS. MARTINEZ: Good afternoon, Chair Nichols and
10 members of the Board. My name is Nayamin Martinez. I am
11 the Director of the Central California Environmental
12 Justice Network, but I'm not representing my organization,
13 but community members of Shafter. We're here to strongly
14 support the staff recommendation of including the
15 community of Shafter for the implementation of AB 617 in
16 year one.

17 However, we are also here to request that the map
18 with the boundaries of these communities are revisited.
19 The reason why is because we think that it's very
20 important to include two census-designated areas that are
21 just south of the City of Shafter. And those are the
22 Mexican Colony and Smith Corner.

23 These communities have been historic -- sorry,
24 historically forgotten. Yet, there are being affected
25 both by most of the regional pollution sources, both

1 stationary and mobile.

2 So the area is heavily -- in this area there's a
3 heavy use of pesticides. That's why it's ranked 90 -- in
4 the 97th percentile for pesticide use according to
5 CalEnviro 3.0. Furthermore, these communities are near
6 large oil and gas operations that range from exploration
7 to storage and transformation.

8 And additionally to that, these communities are
9 also located just northwest of some of the largest
10 distribution centers around the Shafter region, which
11 includes operators such as FedEx, ATD, and a Target
12 distribution center. Not surprisingly, this area ranks in
13 the 100 percentile for PM2.5 and in the 91 percentile for
14 ozone.

15 Therefore, we strongly urge CARB to amend the
16 boundaries to include both the Mexican Colony and Smith
17 Corner to the proposed community of Shafter. And we're
18 making this request not on behalf of the environmental
19 justice organization, but mostly importantly of the
20 residents of these two communities, that unfortunately
21 were not able to be here today, because most of them are
22 farmworkers, who are, as we speak, are harvesting our
23 fields in the Kern County area.

24 They couldn't be here. They couldn't afford to
25 take the day off of the work to advocate for themselves,

1 so we are here representing them. So we strongly urge you
2 to add these two census tracts to the community of
3 Shafter.

4 Thank you.

5 CHAIR NICHOLS: Thank you.

6 MR. GUSTAVO AGUIRRE: Good morning or afternoon.
7 Gustavo Aguirre with Center on Race, Poverty and the
8 Environment, community organizer. Got up at 1:00 a.m.
9 this morning together with residents from Shafter.

10 I think earlier it was mentioned, you know, some
11 polluting sources for the community of Shafter. This
12 morning -- I live in Bakersfield and I drove, you know,
13 from Bakersfield to Shafter on freeway 99. I exit on 99
14 and -- in -- into Lerdo. 99 Lerdo there is a roofing
15 materials facility there. And that smell from that
16 facility and also the pollution from 99 goes to Shafter.

17 When we get to -- when I was getting into
18 Shafter, I crossed the train -- you know, train railroad,
19 which, you know, goes through the heart of that community.
20 Then we kept going to I-5 to the other -- to the west side
21 of Shafter, so not only Highway 43, or Lerdo, but also 99,
22 and I-5 are other sources of pollution. Pesticides around
23 the community, the dust with the almond pollution and
24 harvesting, all the equipment that they use, oil and gas
25 pollution, you know, around there.

1 2014 Kern County approved an EIR for all the new
2 oil -- oil wells to be fueled, which is to us just a green
3 light to pollute -- continue polluting us, not to mention
4 the dairies that when we were between Shafter and I-5, we
5 went through couple of dairies. And I think Mr. Dean
6 Florez, he's very aware from that -- about that area.

7 So we really encourage you to approve. And I
8 also just want to mention that people from all those
9 communities that came and said we want our communities to
10 be included, I totally agree with them. In Kern County,
11 we have many other communities that are very impacted.
12 And, you know -- also, you know, some people from the
13 industry, they say we are the most regulated industries in
14 the nation.

15 Well, the reason that we have these problems now
16 and the reason that so many communities are that polluted
17 is because the laws that we have that are not working
18 enough to protect the health of the residents. I believe
19 some of you will be familiar that as they say zip code
20 matters, because in low income communities, the
21 disadvantaged communities don't have the luxury of having
22 health protection -- the health care protection.

23 It's difficult for low-income families, for farm
24 workers to go and take care when they have asthma, when
25 the kids have, you know, the -- all the respiratory

1 problems. My daughter have asthma, my two kids have a lot
2 of allergies. And I'm okay. I was raised in other
3 places.

4 So please approve this list of communities. But
5 also I think you need to be thinking what else can you do?
6 Other than what you are already planning to do, what else?
7 Because the current laws are not enough. And if we
8 don't -- you don't act soon, we will not be able to -- be
9 able to achieve the goals, and we will continue being
10 polluted, and, you know, contaminating our communities.

11 Thank you.

12 CHAIR NICHOLS: Thank you. That was very
13 effective and important words.

14 (Applause.)

15 CHAIR NICHOLS: Kevin Hamilton, you're up next.

16 MR. HAMILTON: Good afternoon, Chair Nichols,
17 members of the Board, thank you for having me today.

18 I'm here to speak about the community of South
19 Central Fresno. We had some residents who were going to
20 come with us. Unfortunately, they became ill over the
21 last few days. They did ask me to convey their concerns,
22 and their words to you.

23 So I'm first going to talk about Fresno as a
24 community. The County of Fresno, as you know, has about a
25 million people, the city itself about a half a million.

1 Pretty significant in size. The area that you've chosen
2 holds about 94, 95 thousand people almost a hundred
3 thousand. So also, a really significantly large group.

4 The things that we deal with there is the
5 majority of these communities are disadvantaged, other
6 than at the very northern end of the map of this selected
7 community, which concerns us, because the Community of
8 Daleville, some of the sources outside of Malaga -- for
9 instance, the line on the map ends one block short of the
10 biomass plant and the glass plant. And on the other side
11 of the freeway, the natural gas peaker plant, which are
12 significant stationary sources in our community.

13 So we would ask that you extend the map. We
14 understand that you've included a community that's neither
15 disadvantaged nor significantly impacted by local
16 stationary sources of pollution. For those familiar with
17 Fresno, that's the Tower District, which is essentially
18 our cultural arts district, which is great for them. And
19 I'm sure they're enthused about actually joining us --
20 joining this effort.

21 However, you know, the mean net worth there is
22 about \$250,000, and the median income there is pushing
23 \$50,000. So it's by no means similar to the rest of the
24 people on the map.

25 But if we're going to include that, we'd ask you

1 to include the area of Daleville, which is across the
2 freeway from Malaga, and the area north of there to
3 connect back to the map there at 180 and the 99, which is
4 called the industrial triangle, which is an area that the
5 city of Fresno has targeted for heavy industry investment.

6 We already have two extremely large --

7 (Phone rang.)

8 MR. HAMILTON: Sorry, I have to silence this.
9 I'm so sorry. Should have done that a long time ago, huh?

10 So we already have very large -- now, I'm taking
11 picture. That's great.

12 (Laughter.)

13 CHAIR NICHOLS: You know, you need to find a
14 ten-year old is the problem we all have.

15 (Laughter.)

16 MR. HAMILTON: I do. I desperately need one of
17 my grandchildren right now.

18 CHAIR NICHOLS: Yeah.

19 MR. HAMILTON: So we've got these sources that
20 are already there. We've got a number of distribution
21 centers. We've got a new distribution center project
22 going in just across the freeway from this community of
23 Malaga and the communities of Calwa that's estimated at
24 two million square feet. There's an estimated additional
25 6,000 diesel trucks that will be associated with that.

1 And all of that is excluded from this map. It's not a big
2 leap. It's about another half mile by three miles tall.
3 So, you know, about -- I don't know -- two and a half
4 square miles that we would ask that you add. And we have
5 submitted written comments to that effect with an updated
6 map. So we would ask you to consider that in the future.

7 And it was the citizens of Daleville who members
8 of this group came down and toured with, Mr. Corey, Karen,
9 others who came down for a toxics tour. And stood in the
10 yard with the citizens Daleville and assured them that,
11 you know, they would be engaged and involved in this
12 process. And they're feeling pretty let down, not just
13 because they're sick today, but also because they
14 discovered that, in fact, they're not included in this
15 process. So that's -- that's quite disappointing and we'd
16 like to see that remedied.

17 Sort of -- so with regard to the communities
18 other than that, thank you again for this very iterative
19 process. Thank staff especially. I mean, you guys have,
20 from our perspective at least, and I'm speaking for the
21 San Joaquin Valley EJ collaborative, gone the extra mile,
22 spent a lot of time in our community, learned about our
23 communities, driven up and down our valley with us
24 literally hundreds of miles back and forth. And so we
25 really respect that, and we appreciate it greatly.

1 I do want to say, in addition to that, I wanted
2 to talk briefly and thank Dr. Balmes for leading the
3 consultative community, on a completely different issue,
4 since I wasn't going to be allowed to speak a second time
5 today - to -- that's what I was told at any rate Mary.

6 But anyway, thank you for doing that. And we
7 look forward to the next year with the consultative
8 committee. I think it's going to be a critical table for
9 us to all be joining. And I'm hoping Dr. Balmes that you
10 choose to lead that again for the future. We're enthused
11 about that idea. I've talked to some -- spoken to some of
12 my colleagues in the room, air district APCOs, and people
13 from the EJ community and industry, and interestingly
14 enough, on one thing we all agree that this consultative
15 group is really valuable and will be really useful here.

16 So other than that, thank you very much. I
17 appreciate it.

18 CHAIR NICHOLS: Thanks for your comments.

19 Jesse Marquez, there you are. Hi, Jesse.

20 MR. MARQUEZ: Good afternoon, Chair, members of
21 the Board, members of the public.

22 I want to first by stating my name, Jesse
23 Marquez. I am the founder and Executive Director of the
24 Coalition for a Safe Environment in Wilmington in April of
25 2001. I want to thank the South Coast AQMD and the ARB

1 staff for the nomination of our Wilmington harbor
2 community. I did also submit a request that San Pedro be
3 added to it, since they are part of our neighborhood, also
4 surrounding the Port of L.A. and refineries. And so
5 that's one simple thing that I think you can do.

6 I am here today because when I started my
7 organization 16 years ago, some things did not occur. In
8 the last six years my mother got cancer, had to have
9 surgery, and go through chemical chemotherapy. My father
10 got cancer, had to have surgery and go through
11 chemotherapy. My sister got cancer and went through
12 chemotherapy. My nephew when he was 17 got lymphoma and
13 had to have surgery. My son passed two years ago.

14 So I empathize and sympathize with my colleagues
15 here, because, you know, we are all in the same
16 circumstances. We want no harm, no ill, no death to come
17 to anybody. And if it can be prevented, that's what I'm
18 here for. I'm here also to support that nomination by
19 saying that Wilmington is an excellent example, because
20 it's an excellent example of the worst case scenario where
21 we have everything.

22 The largest port in the United States, Port of
23 L.A. is in Wilmington. We're bordered by the second
24 largest, the Port of Long Beach. We have three major oil
25 refineries in Wilmington. We have landfills in

1 Wilmington. We are surrounded with everything. We even
2 have something in common with the agricultural community,
3 even though we grow nothing. What we do have in common is
4 a chemical called methyl bromide, which is used for
5 fumigation of containers.

6 We are the largest -- we have the largest amount
7 of emissions coming from different sources, anywhere else
8 in California. We have the largest variety of toxic
9 chemicals, criteria pollutants, and greenhouse gases than
10 in any other community.

11 We don't -- we do not know some facts. There
12 have been a lot of studies. But one of the things that we
13 mentioned in our public comments in the past was that, you
14 know, even though there's been a lot of studies and a lot
15 of data, there is some data that we still need, and that
16 is public health data. Believe it or not, Wilmington has
17 never even had an asthma study.

18 If we're going to talk about emissions reductions
19 and improving public health, our problem we have is that
20 we have no public health baselines. If we don't do a
21 public health survey in a community, how do we know it's
22 improving. All of us in this room have read information,
23 heard news, and heard it repeated.

24 Port of Oakland, Port of Los Angeles, Port of
25 Long Beach has had 60 percent, 70 percent, 80 percent

1 reductions of PM, which is tru, but it's based on a
2 standard of PM2.5 and 10.0. What we have not seen is a
3 single public health study showing that there's been an
4 equal parallel reduction or improvement in public health.
5 And the reason there's been no improvement in public
6 health because now there are hundreds of public health
7 research studies showing that ultrafine PM0.1 micron and
8 smaller particles are more dangerous. And we have no
9 standard for that.

10 I don't want to come here five years from now and
11 say again, we have no evidence of improvement in public
12 health. I ask that we include a health impact assessment
13 with a public health survey, so that we know things are
14 improving. That if there's reductions happening, are
15 there real reductions?

16 I don't know if blood -- of blood diseases, such
17 as lymphoma, leukemia, and myeloma are being reduced,
18 because there's no data to show that. So we need a
19 coordination with all the county public health departments
20 as well as the State of California public health
21 departments. If we're going to choose 10, then let's do
22 it right.

23 Wilmington is a good thing, because we're a
24 90744, and so it's something that can be done by census
25 tract as well, you know. So we can get data. We just

1 need the cooperation of agencies. So let's do it, and
2 let's do it right.

3 We've also done extensive research. Yes, my
4 parents and my grandparents, and all my family added
5 together could not come here today or attend any public
6 meeting in the past to contribute something, because they
7 knew nothing of it.

8 But since I started my organization in 2001, I
9 knew nothing about ports, nothing about transportation,
10 nothing about the petroleum industry, but now, I know a
11 lot. And that's why we're here, because we want to be a
12 partner. We want AB 617 to be an absolute success. And
13 we are viable partners, because there are EJ
14 organizations, there are scientists and Ph.D.'s, and
15 engineers that work with us, that we can make major
16 contributions.

17 So when we say we know how to reduce emissions,
18 we know how to reduce emissions. Vapor recovery systems
19 that have been approved by U.S. EPA for over 15 years, but
20 not a single Title 5 permit mandates that they be used on
21 every single storage tank that's out there. Why? That's
22 an example.

23 There are other technologies. Our organization
24 right now is the leader in the State of California and the
25 United States. We are publishing every month a

1 zero-emissions technology survey. I can tell you exactly
2 how many Class 8 trucks are zero emission, exactly how
3 many yard hostlers, exactly how many Class 7, Class 6,
4 Class 5 panel trucks by manufacturer and model number.

5 We know that, and we can provide that. We know
6 there's capture and treatment technologies. The AMECS
7 system is one of those that's already certified by CARB
8 that can be used in all ships. The at-anchor at-birth
9 rule should be passed immediately. It was actually done
10 two years ago and has been stalled. We ask that that's
11 one type of rule that could move forward immediately, and
12 we support it wholeheartedly.

13 CHAIR NICHOLS: I think your time is up, Mr.
14 Marquez.

15 MR. MARQUEZ: Okay. Thank you.

16 CHAIR NICHOLS: Thank you.

17 (Applause.)

18 CHAIR NICHOLS: Thanks for all your work on these
19 issues over the years.

20 Mr. Hernandez.

21 MR. ALLEN HERNANDEZ: Good afternoon, Chair
22 Nichols and Board. And thank you for having us here
23 today. My name is Allen Hernandez. I am the Executive
24 Director for the Center for Community Action and
25 Environmental Justice. We're an Environmental Justice

1 organization located in Western Riverside County, and we
2 do our work in Western Riverside County and Western San
3 Bernardino County.

4 So we're here today -- I'm here representing our
5 communities here today, because we're -- I don't know if
6 you've heard, but we just got out of probably the worst
7 smog season we've had in over 20 years in our air
8 district.

9 CHAIR NICHOLS: We've heard.

10 (Laughter.)

11 MR. ALLEN HERNANDEZ: Yes. So we've had 87
12 straight days where we were violating the ozone standard
13 in the South Coast Air Quality District. And this is a
14 real big issue for us in our community. Just to give a
15 little background, right? What's happening in our
16 community is an influx of warehouses. Our proximity to
17 the Port of Los Angeles and San Pedro has made it a prime
18 location to just start placing warehouses everywhere. And
19 so we're dealing not only with bad air quality, but also
20 with a lot of bad zoning, and a bad land-use at region.

21 Recently, two days ago, we actually lost this
22 battle that we were engaged in, where we were fighting
23 back against a warehouse that was going to built 70 feet
24 away from homes and 500 feet away from a high school. And
25 this has been the trend over, and over, and over, and over

1 again.

2 So I'm here today. I want to talk on three
3 points, right? One, the community selection, right. We
4 applaud CARB and the South Coast for choosing San
5 Bernardino and Muscoy. It is one of the really heavy
6 polluted areas in the Inland Empire. So that was a good
7 selection. I do got to say, the selection process though
8 was a little confusing at times. You know, we weren't
9 sure, you know, how many lists were out there, how to do
10 this, how to do that. And so, I think one recommendation
11 I would like to put forward is that as we continue with
12 our selection for year two, that the process is more
13 transparent and laid out in a way that's a lot user
14 friendly for even us who have policy people on our staff
15 to kind of like look through and really identify.

16 Number two, I just wanted to talk about the --
17 the reduction plan. I think coming out of the 87 straight
18 days, and coming out of a really bad smog season, and
19 coming out of like really -- with the wildfires and
20 everything, and all the warehouses coming up, and all the
21 new thousands of truck trips that are going to be coming
22 into our neighborhoods, we don't see, and we've talked to
23 several community members and almost everyone agrees,
24 like, any -- any reduction plan in emissions needs to
25 include a plan that does not emit any emissions from now

1 on, right.

2 We need technologies that get us there. We're --
3 we are so deep in violation that I think even anything
4 that still emits but starts making its way there is not
5 the right call. I think for the Inland Empire, we are in
6 a dire situation where we really need to explore a
7 reduction plan that has no emissions in it.

8 And just the last point, as far as goals, and
9 metrics, and timeline, we're looking at the blueprint, and
10 it's not exactly clear as far as health metrics, right,
11 what goals we plan to achieve through the blueprint, what
12 is the timeline in the blueprint, where do we want to be
13 by such and such date?

14 I know in our region, we have high rates of
15 asthma, high rates of cancer, respiratory disease. So for
16 us, I think something like that is very crucial to help us
17 just kind of set some reality, but also to also just help
18 us like really understand this, and help us, help you, and
19 our air district to put a little pressure on this too in
20 urgency, because as these days go by, and as we're getting
21 over this hot summer, a lot of people fell sick, a lot of
22 people fell ill. There have been a lot of hospital
23 visits. And so to get these health metrics in, I think
24 would be a great thing.

25 So thank you, Board.

1 (Applause.)

2 MR. AREVALO: Hello.

3 VICE CHAIR BERG: Hi, how are you?

4 MR. AREVALO: Ernesto Arevalo. I am the Northern
5 California Program Director with Communities for a Better
6 Environment.

7 So to clarify for Richmond, we don't just want an
8 air monitoring plan. We want a community emissions
9 reduction plan, because we know that stationary sources
10 have been tested. We have data that is available, and we
11 want actions now. It is unusual for a community to have
12 two fires within two years that results in using the
13 emergency warning system, and starting some shelter in
14 place. And that happened with Sims fire -- Sims Metal
15 recently, as well as the auto yard.

16 And I remember very clearly the auto yard,
17 because I was at the Richmond BART station that morning.
18 And I saw as the dark plumes started to cover all of
19 Richmond. And I felt my asthma start to be agitated, and
20 I was worried. I was like what am I going to do? Because
21 I heard in the past that with the Chevron explosion, they
22 shut down the BART station. So what do I do? Do I get on
23 the BART train right now and head back away from where I
24 currently am? And that's a real fear that we're dealing
25 with.

1 That's why we're saying we need immediate actions
2 now. The fear is that with more air monitoring, there
3 will be delay. And that fear is real, because I've heard
4 that in East Oakland, where the air district approached
5 the community, and we had meetings. And they told us your
6 data is not enough. You did a project that was community
7 led, but this is not enough and we need to do more. And
8 it's been three years since we've done that, and we
9 haven't had any real actions in East Oakland.

10 And that's -- that's a real fear that we're going
11 to continue to live in these conditions and nothing will
12 be done. So that's why people came here today to say that
13 we need an emissions reductions plan.

14 Now, I'm interested in what was proposed today
15 about refinery actions, but I'm not going to hold my
16 breath. That needs to go through. And I'm glad that this
17 was all video'd, because we can run the tape if it doesn't
18 go through. And I want to make sure that the Air
19 Resources Board holds BAAQMD accountable if what they have
20 promised does not actually happen in December. I hope
21 that happens outside of this meeting.

22 But I will say that this process is limiting,
23 because there are well-deserved communities that are not
24 included, East Coachella, Southeast L.A. We're talking
25 about Vallejo, where they have a cement plant. This is

1 affecting people's lives. We're talking about East
2 Oakland where we have the largest industrial cremator that
3 was just given its permit in an area where we already know
4 we're in the top five percentile, where half the community
5 is African-American and another half is Latino, where we
6 already know we're impacted by cumulative impacts, and
7 they dangle the solution in front of us of 617. That is
8 irresponsible. That is what's being done in this State.

9 617 is being put in front of our faces like the
10 solution. It's a top-down way of approaching this,
11 because the community input phase has been determined from
12 the top down. This whole system of how much air
13 monitoring is acquired in the timelines, as well as the
14 community emissions reductions plan's timeline is all top
15 down. Yet, we want to include the community at the center
16 of this. I'm glad that we had time for our community
17 members to speak before they board the train, but I wish
18 all of the other communities had a chance to do the same,
19 not just those chosen, but those not chosen that are here
20 today, because we also had people from southeast L.A. who
21 were going to come, but they missed their plane, and
22 they're sending their comments through email. I hope that
23 you read them today.

24 But to finish this, I hope that you listen very
25 seriously to the comments stated from all of us, that

1 we're dealing with environmental racism. And we were
2 given this with the extension of cap and trade. This
3 was -- this was not something that comes from us, and yet
4 we're shaping this to be a solution that is created with
5 us.

6 It doesn't fully make sense, and there has to be
7 a lot of trust built, if you are to really go forth with
8 these timelines, because real talk -- in East Oakland, we
9 had a member who has been part of air monitoring and she
10 has stopped coming to meetings, because she needs to put
11 the priorities of her child first. Her child whose health
12 has gotten worse over the years. This is the reality that
13 our residents, that community members, that my neighbors
14 are dealing with, and it's sick. It's sick.

15 So I hope that you really consider how this
16 program moves forward, because we are more than just
17 guinea pigs. I've heard that thrown around with these
18 climate investments already. With TCC coming down to East
19 Oakland talking about how we're guinea pigs getting
20 investment, talking about how these communities that have
21 been chosen first are guinea pigs. That's not ways to
22 talk about our communities. That's not a way to approach
23 our communities. So be better and make the decisions.
24 Thank you.

25 (Applause.)

1 BOARD MEMBER GIOIA: Ernesto, first, let say
2 thank you for testifying, and I appreciated the
3 opportunity to be able to talk to you on our shared train
4 ride up here from Richmond. And I wanted to note that you
5 said -- you talked about the -- looking at the table
6 for -- with regard to this issue of early adoption of
7 refinery rules. I will be including some language in a
8 resolution at -- during our discussion phase, so that
9 there will -- it's not just on the tape, but it's in a
10 resolution expressing CARB's sentiment.

11 And as you know, I serve as the Chair of the
12 Stationary Source of the air district. And I can tell you
13 that I'm committed, and I know Jack Broadbent is committed
14 to following this. And I think -- I know advocates will
15 come to our meeting and will hold the air district
16 accountable to following this time frame of starting rule
17 development in early 2019 and completing it by the -- in
18 2020.

19 We'll have language on that. Yes, in regard to
20 the car fire, I was out in North Richmond when that
21 happened. I remember that day very well. I was at a
22 meeting. I remember getting out of my car, and I couldn't
23 breathe, because it was so -- the smoke from that car
24 fire -- from that scrap yard was pretty significant. I
25 remember that well, and we feel that. I live in Richmond.

1 I understand that, and I -- my son had a shelter in place
2 at the elementary school near the Chevron refinery during
3 a fire there many years ago. I know how it feels to pick
4 up a child when there's a shelter-in-place because of a
5 fire at a refinery.

6 So I think -- I think we're conscious of that and
7 want to make these changes and these reductions as quickly
8 as possible. So thanks for coming.

9 VICE CHAIR BERG: Good afternoon, Luis.

10 MR. OLMEDO: Good afternoon. And thank -- thank
11 you to the members of the Board, and for all your
12 leadership in this AB 617. I'm going to share my time
13 with two other members of our community.

14 So rural communities face unique challenges,
15 including fugitive dust, Salton Sea, including also
16 further burdened by adding cars, trucks waiting across the
17 border. Cars have been known to idle at the border
18 anywhere from two hours to six hours in the holidays.
19 Also, IVAN is a community run network that promotes
20 environmental literacy, and democratization of data.

21 I cannot stress enough the importance that air
22 regulators played in advising the important development,
23 including California Air Resources Board, Imperial County
24 Air Pollution Control District, South Coast Air Quality
25 Management District, and our economic experts, most

1 importantly our partners on tracking California.

2 These types of partnerships will be important to
3 continue to play a role in community monitoring, so that
4 at the end product and its ongoing development is useful
5 and complementary to the AB 617.

6 AB 716 goes several steps further requiring
7 transparency and strong partnerships with local air
8 districts and CARB. We understand the importance of
9 working with local air districts, CAPCOA, CARB to ensure
10 its success. Rural communities are the backbone of
11 California. They grow our food, and they are corridors to
12 the movement of goods that make their way to coastal ports
13 across our country.

14 Also, AB 617 is also a tool that understands
15 local air quality, addresses public health issues like
16 asthma, which is -- which in Imperial, we have the highest
17 rates of in the State, while continuing to play an
18 important role that I mentioned. We support the proposed
19 selection Imperial Valley, Calexico, Heber, El Centro
20 corridor, which is a disadvantaged community under the
21 CalEnviroScreen.

22 We also support the health-based metrics.
23 Ultimately, the critical role that rural communities play
24 not to be the backs -- not to be on the backs of hard
25 working residents, who deserve clean air like any other

1 community.

2 I also want to mention that we support the
3 Eastern Coachella Valley in this -- in their -- in this
4 consideration as well. And I want to thank Assembly Member
5 Eduardo Garcia for his leadership in AB 617, and thank our
6 partners in the environmental justice coalition and IDA
7 collaborative for their guidance efforts as well.

8 And so one last thing I want to say is the
9 importance of environmental justice program, and the
10 necessary sources so that they can also continue to
11 facilitate communities being key in this process.

12 Thank you.

13 MS. SALGADO: Hello. Good afternoon. My name is
14 Kristian Salgado. And today I'll be speaking about my
15 person experience as a resident of Calexico. Calexico is
16 the city that smells closest to the U.S./Mexico border, so
17 we have a very unique situation. We share many things.
18 We share cultures. We are bi-national. We travel back
19 and forth daily. We also share pollution, which is
20 extremely unique, in the sense that this is a bi-national
21 issue, which requires many people to come to the table.

22 And I find it, and I support the fact that you
23 guys are looking at Imperial County. But I'm also very
24 aware of the limitations of AB 617. It's kind of like we
25 were all competing to be like the worst for funding, when

1 it came to pollution.

2 And it's hard. It's really hard to come up here
3 and talk, because the truth is, is I can come up here and
4 I can name names and individuals who have health issues
5 that suffer from asthma. But the truth is, is we need
6 reduction. Like, that's the bottom line. No matter how
7 many testimonies I give on a local level here in
8 Sacramento, it's -- it really just becomes exhausting for
9 the individual to have to share that.

10 So I would just like to end on that note, that
11 I'm in support of the fact Imperial County is on this
12 list, but very aware that there's a lot of limitations.
13 I'd also like to state that it's important that there's
14 meaningful and community engagement. We really need that
15 meaningful aspect of it.

16 What does it mean to be part of a community who's
17 being included in the table. So I think continue thinking
18 about that, because community is -- can be broadly
19 defined, and it's very broadly defined in this policy. So
20 that's where I'd like to end.

21 Thank you.

22 MS. TURNER: Hi. My name is Norma Turner. I
23 live in El Centro California. I'm just going to give you
24 a little history a Imperial Valley, which in the past when
25 it was created in the 1900s through the All American Canal

1 and the Boulder Dam. It became a from the desert to an
2 agricultural paradise. It was the nation's go-to place to
3 live if you had breathing problems. It was dry climate.
4 It was not humid. It was just the place to go. Everybody
5 came that had asthma or any problems.

6 Now, it's called the stinky place. Once a --
7 once you leave the San Diego mountain tops and you come
8 down into the Imperial County, you get hit by that bad
9 odor. It's bad.

10 I used to work for a San Diego based construction
11 company and we did the naval air facilities hanger for
12 Blue Angels. And every week -- week work, they would come
13 down from the valley, spend a week at the valley, and then
14 go back up on the weekend. So every Monday I would hear,
15 oh, we're back at the stinky place. And that's the way
16 our air quality is. It is stinky air, not only from our
17 field burning -- we have field burning, because it's an
18 agricultural community, our adjacent neighbor to the
19 south, Mexicali, also has field burning. The smoke goes
20 up, plateaus, and it just goes everywhere. So it doesn't
21 just hit where you build the field -- burn the field, it
22 hits everywhere and it goes for miles.

23 And then also we have smog from Mexicali, which
24 has a population of almost two million people. And so
25 that doesn't stop at the border. It just continues on to

1 our basin -- air basin, because our air basin is a
2 Mexicali, Imperial Valley, and Coachella. That's the air
3 basin.

4 I also want to talk about asthma, because my
5 daughter had asthma when she was a little girl, and we
6 have a high incidence of asthma. It's kind of hard when
7 you have a little girl and you really -- you're poor. You
8 don't have Medi-Cal.

9 Is that it?

10 VICE CHAIR BERG: (Nods head.)

11 MS. TURNER: Oh, I'm sorry. Okay. Well, if you
12 don't have asthma now, you might have it -- you probably
13 will have it. I know have it, and I just recently got it.

14 So thank you.

15 VICE CHAIR BERG: Thank you.

16 MS. LAZARD: Good afternoon, Chair Nichols,
17 California Air Resource Board members, thank you. The
18 Institute for Local Government appreciates the opportunity
19 to offer comments regarding the California Air Resources
20 Board blueprint's protection and recommended communities
21 list.

22 The Institute, along with its parent
23 organizations, the League of California Cities, the
24 California State Association of Counties, and the Special
25 District Association believe that cleaning the air in

1 California's communities is of critical importance and can
2 best be accomplished when State, regional, and local
3 governments work collaboratively together.

4 As you know, cities and counties play a leading
5 role in making local land-use decisions. We were very
6 interest to see that the suite of new actions referenced
7 on page 13 of the blueprint includes a commitment to work
8 with land use, transportation planning, and other agencies
9 to develop strategies to reduce community residences'
10 exposure to air pollution.

11 We are also interested to learn that CARB is
12 proposing to develop new land-use resources and tools as
13 described on page 17 of the blueprint. As the blueprint
14 notes, land use and transportation planning policies are
15 primarily under the jurisdiction of local municipalities,
16 counties, and regional planning agencies implemented
17 primarily through zoning ordinances that specify
18 acceptable land uses, general plans that establish high
19 level direction for land-use development, and
20 transportation planning documents that include criteria
21 for specific transportation projects.

22 This makes it clear that addressing local sources
23 of air pollution truly requires a collaborative state and
24 local partnership, one that reflects the division of
25 authority and responsibility between these two government

1 entities.

2 ILG has experience bringing state, regional, and
3 local government together to address common concerns.
4 Most recently, we organized workshops in the San Joaquin
5 Valley to highlight the positive impacts that state
6 climate investments are making in local communities in the
7 valley. We were pleased that CARB members Alex Sherriffs,
8 and Hector De La Torre joined us at these workshops this
9 summer.

10 As you may be aware, the legislature recently
11 appropriated one million in funding to the Strategic
12 Growth Council to support ILG's Beacon Program for local
13 community action with a focus on building the capacity of
14 disadvantaged communities. We are currently working with
15 SGC to finalize the details of this partnership. With
16 this emerging state and local partnership in mind, the
17 Institute is here today to listen and to better understand
18 the opportunities for local government to participate in
19 the AB 617 process, and help reduce the air pollution
20 burden that heavily impacted communities.

21 We look forward to working with you and your
22 staff as you develop tools, resources, and community
23 engagement opportunities -- sorry -- and opportunities to
24 engage the local officials and staff in addressing this
25 common concern.

1 Thank you very much.

2 VICE CHAIR BERG: Thank you very much.

3 Good afternoon Luis.

4 MR. PORTILLO: Good afternoon. My name is Luis
5 Portillo. I'm with the Inland Empire Economic
6 Partnership.

7 We're an organization that's comprised of large
8 public and private employers in the Inland Empire. One of
9 the key focuses of our organization is to advocate for
10 policies that enhance the quality of life for the four and
11 a half million people in the Inland Empire. And that's
12 why the work that you're doing today in regards to
13 implementation of AB 617 is so important.

14 I want to first thank Board Member Mitchell for
15 meeting with us last week and some of our other
16 organizations to talk about areas where we think that the
17 blueprint could be improved upon. We submitted a formal
18 letter, which was signed by 69 organizations to the Board,
19 with some suggested clarifications to the blueprint, and
20 some of the appendices to ensure an effective
21 implementation of the program.

22 However, for my comments today I just want to
23 focus on a couple issues that I think need clarification
24 in order to ensure that they reflect where the Board --
25 where I suspect the Board wants to go.

1 The first issue is dealing with community
2 boundaries and decision-making authority. The blueprint
3 and CARB's 2018 community recommendations staff report
4 suggests that the final geographic determine -- geographic
5 boundaries for selected communities will be defined by the
6 community steering committees. We think this is an
7 inappropriate delegation of authority and runs counter to
8 the statute which requires the air districts to consult
9 with steering committees, but ultimately make their own
10 decisions.

11 You know, I don't believe that it is the intent
12 of the Board to create committees that can operate without
13 oversight, and have no checks and balances. We need
14 something in place to ensure that if these committees, you
15 know, implement actions that are contrary to law, or that
16 exceed their intended scope, that there can be a check and
17 balance for that. So we'd urge you to clarify that
18 ultimately, the ultimate decision-making authority falls
19 with the air districts.

20 For example, I could imagine, you know, we've
21 heard a number of communities today asking to be included
22 in there. You know, it's very possible that a community
23 advisory committee decide, you know what, I don't care if
24 say San Bernardino Muscoy. We're going to cover Rialto.
25 We're going to cover Fontana. We're going to cover Rancho

1 Cucamonga, we'll cover Ontario because it's our community.
2 So this is why that check -- that checks and balances by
3 the air districts is needed.

4 Additionally kind of on the district defining the
5 boundaries, we definitely urge you to require that those
6 boundaries be set at the offset. You know, one of the
7 things that's really been emphasized here is the need for
8 a collaborative effort to make sure that all stakeholders
9 are brought to the table. We want to ensure that anybody
10 who could be affected by these new rules and regulations
11 is -- has an opportunity to be involved. And so the first
12 thing that needs to be done is saying here is what the
13 community boundaries are, so that if you're a business or
14 an organization or individual who lives in that area, you
15 know that you could be affected and you can participate.

16 So we think that would be one of the critical
17 areas, and we urge CARB to add language that says that the
18 designation of the final community boundaries should
19 happen before any works begins on a community emission
20 reduction program.

21 Thank you.

22 VICE CHAIR BERG: Thank you.

23 MS. CREMERS: Good afternoon. Noelle Cremers
24 with the California Farm Bureau Federation.

25 I want to start by saying that Farm Bureau wants

1 to see the implementation of the community air protection
2 program be done in an effective manner, so that it can be
3 successful. We think that the way to make a successful
4 effective program is to start with a foundation of
5 scientifically valid monitoring. So we want to make sure
6 that any monitoring program done under AB 617 is done in a
7 scientifically valid manner, so that the information
8 that's derived from that monitoring plan is usable and
9 valuable in making decisions on emission reductions.

10 We think it's also important that there be
11 recognition of the significant efforts that have been made
12 to reduce emissions in the past and those requirements
13 that are coming down in the future. For example, in the
14 San Joaquin Valley's proposed PM2.5 SIP, there are
15 measures that will require the replacement of 12,000
16 tractors by 2024, so -- and there are many other measures
17 in the works that will make a difference in communities,
18 and we think that that should be recognized going forward,
19 and incorporated into that.

20 We also think it's important to recognize the
21 cost of these and compare the cost and benefits and look
22 for lowest cost opportunities for reducing emissions.

23 Farm Bureau is also concerned about the inclusion
24 of pesticides in the program. We really don't want to see
25 a solution to emissions be taking farmland out of

1 production, particularly as we know that a significant
2 amount of farmland will be idled under implementation of
3 the State Sustainable Groundwater Management Act.

4 Finally, we'd like to see a focus on incentives.
5 There are a lot of opportunity to use incentives to help
6 drive changes in practice and reduce emissions.
7 Specifically for agriculture, there -- we have some
8 concern over the focus on zero-emission technology,
9 because zero-emission technology doesn't always work in an
10 agricultural setting. There are some opportunities where
11 it does, but not always.

12 And so we think there's value in looking at all
13 types of emission reduction technologies rather than just
14 focusing solely on zero emission.

15 But ultimately, we -- I want to reiterate that
16 really we would like to see this program be successful and
17 effective and we want to make sure that everyone is
18 involved in those discussions, the businesses affected are
19 involved in those discussions, because we think that will
20 be very helpful in ensuring effectiveness.

21 Thank you.

22 VICE CHAIR BERG: Thank you.

23 Good afternoon, Joy.

24 MS. JOY WILLIAMS: Good afternoon. I'm Joy
25 Williams from Environmental Health Coalition and

1 California Environmental Justice Alliance. The portside
2 communities in which EHC works were selected for an
3 emission monitoring plan for year one, and we do support
4 that selection. For three decades EHC has worked in the
5 portside communities of Barrio Logan and Logan Heights,
6 and for 15 years in West National City. These communities
7 have numerous sources of diesel and other toxic air
8 pollutants from the port cargo terminals, the shipyards
9 and other large water-front industries, a BNSF railyard,
10 freeways, and smaller industries, including metal platers
11 and recycling facilities.

12 Many residents have family members with asthma,
13 and tell us they're afraid to open their doors and
14 windows, even in the hottest weather, because of the dust
15 and odors from the air outside. And looking at it
16 statistically, the ER visit rates for asthma and heart
17 disease are near the top of this state.

18 So we're grateful to have the opportunity to work
19 with San Diego APCD to better understand the air quality
20 challenges in the portside communities. At the same time,
21 we believe the 617 blueprint needs more transparency as to
22 the next steps for the monitoring programs. Our
23 recommendation is that communities that have been selected
24 for monitoring in the first year need a clear and definite
25 commitment to an emission reduction plan in year 2, and

1 that resources need to be provided, so that we can develop
2 those emission reduction plans.

3 About steering committees, as others have stated,
4 we're concerned that CARB staff are relying too heavily on
5 steering committees to shoulder the burden of making AB
6 617 work to reduce air quality impacts in EJ communities.
7 The failure to reduce community impacts at the local level
8 is a major reason after all that AB 617 is needed.

9 Leadership from CARB is required in the form of
10 clear metrics and accountability for the monitoring and
11 emission reduction plans. Criteria for membership of the
12 steering committees are needed also. In order for the
13 communities to function as authentic representatives of
14 the community, it must include majority membership from
15 residents of the communities.

16 It's important also to include representation
17 from businesses and industries that are within the
18 community, but industrial associations on the other hand,
19 do not belong on steering committees.

20 About health metrics, CARB's blueprint does not
21 include new health based standards for community emission
22 reduction plans. The purpose and intent of AB 617 was to
23 improve air quality and community health in the most
24 severely polluted communities in our state. Health
25 metrics and goals are needed for the entire state as well

1 as for the selected communities.

2 What is healthful air quality and how do we gauge
3 our progress in reaching it for every community. Staff
4 tells us that CARB is already engaged with OEHHA, the
5 Department of Public Health, the scientific review panel
6 and academic researchers in discussion about health
7 metrics. And so we're not here today advocating for any
8 additional work group or other process.

9 What we are asking for is clear timelines and
10 dates to further develop, review, and recommend
11 health-based metrics and goals for a conclusion --
12 inclusion in the plans and to provide guidance on health
13 data, collection, and tracking.

14 Thank you.

15 VICE CHAIR BERG: Thank you.

16 MR. LARREA: Good afternoon. John Larrea with
17 the California League of Food Producers. First, just to
18 save some time I'd like to incorporate by reference both
19 the Lois Henry's comments regarding the limitations and
20 the stringency factors associated with current
21 regulations, and also Janet Whittick's of CCEEB and the
22 necessity of making sure that the data is accurate, and
23 the technicalities involved with that.

24 There was a huge discussion down on the
25 collection of data just at the last Air Re -- San Joaquin

1 Valley Pollution Control District's board meeting
2 associated with the private monitors and such. These are
3 going to be very essential, and it's key for us because
4 it's going to go directly to the regulation -- the
5 reporting regulation that's going to be required in order
6 to make this program work.

7 But said that, one, I'm pleased to see the
8 collaboration between the CARB and the air districts.
9 That's -- you know, when I first started working for the
10 league, there wasn't -- really didn't seem to be much
11 communications, but I'm really pleased with the level of
12 collaboration that I'm seeing on this effort to try to
13 make this blueprint a viable project and make it work.

14 However, I still see a problem associated with
15 revenues. And I think that's expressed through both
16 Richmond, the Antelope Valley and the others that want to
17 be included in this. Mr. Corey and Senator Florez might
18 remember, about three weeks ago when we had a presentation
19 by the air district on the PM2.5 plan. That plan, they
20 talked about it being billions of dollars for us to be
21 able to come into compliance with the federal air
22 standards, billions. And that has nothing to do with even
23 this.

24 So what's facing the air districts out there is
25 going to be a very, very tough problem in terms of both

1 incorporating this in focusing on the communities that are
2 identified within their districts, as well as continuing
3 to operate in their entire process in terms of trying to
4 meet their goals on that.

5 So making sure that there's sufficient funding
6 here is probably the number one thing that the Board can
7 do here.

8 Mr. Sheikh talked about the need for incentive
9 moneys, the need for more data and monitoring, and also on
10 staffing. All of that is going to contribute to the
11 success of this.

12 Now, finally on steering committees, the League
13 believes that the steering committee should probably be in
14 more an advisory role. It's not to say that the local
15 communities and the local people within those communities
16 don't have a voice in this. However, the air district I
17 think is the one that you need to rely on in terms of
18 being able to show you how best to make this program work,
19 how best to focus it in and how they can also economize in
20 terms of working this in and making the best use of not
21 only the programs that they're going to use for that
22 particular community, but also make sure that it dovetails
23 in the overall effort in their entire air district.

24 So we're hoping that this will be a success, and
25 we will continue to work with CARB and with the local air

1 districts in terms of this.

2 And, yes, I do think that since I represent a
3 trade association, that we do have a place on these
4 steering committees as well, because we do represent our
5 members on these, and we do work with them both at the
6 local level and here at the State level as well.

7 VICE CHAIR BERG: Thank you, John.

8 Good afternoon.

9 MS. VILLA: Hi. Good afternoon, Madam Chair or
10 Vice Chair.

11 VICE CHAIR BERG: Thank you.

12 MS. VILLA: Members and community
13 representatives, thank you all for coming. My name is
14 Elizabeth Villa and I'm representing the corridor of
15 Calexico, Heber and El Centro within the County of
16 Imperial.

17 I was born and raised in Holtville, California.
18 And I'm proud of it. It was the carrot capital of the
19 world at one time. We're well known over there. I
20 currently -- I live, and I work, and I play in Imperial
21 County.

22 I live in the small rural city of Seeley and with
23 only 1,700 population right next to naval air facility of
24 El Centro. I work at Imperial Irrigation District, where
25 we work to provide the lowest energy rates, while ensuring

1 reliable service. I had to say that guys. Sorry.

2 And I also love to do outside activities such as
3 walking at Sunbeam Lake, fishing in the Sunbeam Lake also,
4 et cetera. But I love to take my grandchildren out, and I
5 love to do hiking, so I do -- I'm very proud of Imperial
6 County, and I enjoy living in Imperial County and I'm
7 proud of my community. By it, I am not so proud of the
8 fact that Imperial county leads the state with the highest
9 rates of asthma hospitalizations.

10 I have seen how the air pollution exposed over
11 time can damage the environment and those around them.
12 One person being affected dramatically at a real young age
13 was my son Joshua. It started out with breathing
14 treatments, bronchoscopy, and the hospitalizations under
15 the tent in those days, and I don't know if it's still
16 then. I actually went under the tent too. And he was
17 just a small little born child. So the things that you do
18 when your kids are sick, you don't want to reach that
19 point, if you don't have to.

20 So in addition in 2004, my husband lost the
21 battle to cancer, lung cancer. He never really smoked.
22 But as we endured the trips to San Diego Scripps hospital,
23 I learned that the whole left ward of the hospital was
24 dedicated to Imperial County cancer patients. That was a
25 big eye opener.

1 And for this reason, and I appreciate the
2 opportunity to help as a community member to find
3 solutions and also the deficiencies to reduce air
4 pollution through the AB 617.

5 I thank the Imperial County Air Pollution Control
6 District, the Comite Civico Del Valle Dell, and the
7 community representatives for their current efforts. If
8 selected, I have great confidence that they, including
9 myself, will be engaged with a common goal to reduce the
10 emissions and to enhance its existing community --
11 community air monitoring efforts.

12 So Madam Vice Chair and members, I strongly
13 request that you consider the corridor, Calexico, Heber El
14 Centro for both air monitoring and emissions reductions.

15 And thank you for making it possible for me and
16 my grandchildren to continue to work, live, and play in a
17 safe environment.

18 VICE CHAIR BERG: Thank you very much. We did
19 miss Norma Turner. So I just want to make sure that they
20 weren't available. Okay. Well, go ahead with -- Norma?

21 MS. TURNER: I didn't know if I could come back
22 up. I actually have a separate item that I wanted to talk
23 about. It's called biochar. So it really is not related
24 to the community that I'm living in.

25 So biochar is an alternative way to take care of

1 agricultural burning of the fields. It's a way of
2 charring instead of burning fuels, which reduces the
3 pollution. Not only that, when you do Agrichar, you've
4 got biomass. The gentleman was talking about a biomass
5 plant in his neighborhood causing pollution. Well, that
6 biomass plant has to get rid of that debris and burn it.

7 Well, there's another way. You can char it. And
8 this is what is called biochar. And I have nothing to do
9 with this company. I just note that this stuff works.
10 And there's already something in the works here in
11 California. There's already something in the works. USDA
12 is working on it in Colorado.

13 But what it does is effectively turns the soil
14 into something that holds water, holds nutrition, and
15 sequesters carbon monoxide and nitrous oxide. It is an
16 amazing thing. I would call it snake oil, but we all know
17 snake oil doesn't work, but this stuff works.

18 So I just wanted to give everybody a heads up
19 that there's stuff out there that will help with
20 agriculture to reduce the pollution, reduce the carbon in
21 the air, and it also -- because of winter drought, it also
22 sequesters -- I mean holds the water.

23 So just to let people know, I do have a
24 presentation if anybody is interested.

25 VICE CHAIR BERG: Well you could leave that with

1 staff through the court reporter here -- not the reporter,
2 I'm sorry, the clerk, and thank you so much.

3 Miguel.

4 MR. MIGUEL HERNANDEZ: Hi. Good afternoon,
5 members of the Board and the audience. Thank you guys for
6 being here. I want to start off with my name is Miguel
7 Hernandez. I'm from Comite Civico Del Valle in Brawley,
8 California

9 I want to start off by saying that I was actually
10 born in Mexicali and then lived in Calexico, went to
11 school in El Centro next to the Interstate 8. Now, I live
12 about 20 miles from the Salton Sea, so I'm pretty much
13 well known around the area like, what we -- what we face
14 out there.

15 And I just -- even though that -- Imperial valley
16 it's a nonattainment area for PM standards. I know that
17 the AB 617 will be definitely a little -- definitely be of
18 great help for the community. And I truly ask for support
19 for the Imperial Valley nomination to keep moving forward
20 with their efforts with their IVAN network, and to keep
21 moving forward, and to improve not just the air quality,
22 but also water quality, the quality of life of our
23 residents, and leading also probably to job creations on
24 our community.

25 So in that case, I think it's also imperative

1 that to keep expanding on this program, move forward with
2 other communities that -- like on the northern part of the
3 Salton Sea, Mecca Coachella, that should be also part of
4 this nomination. We'll get them -- get them soon also.

5 And as we move forward, I also want to know like
6 what will be the parameters to measure success of the
7 program? Will there be like lower visits to the ER? Will
8 there be -- in regards of respiratory issues, will there
9 be counting on kids missing school not so often as they do
10 right now. Well, I don't know why we do parameters to
11 measure success on the program.

12 And lastly, I just want to thank Eduardo Garcia
13 for being a champion for our community, and also thank the
14 ARB Board and their staff, Veronica Eady, Karen Magliano,
15 Ryan Atencio all those guys that have been out there in
16 our communities lie been in Coachella, been Imperial
17 Valley. I want to thank you guys for your time, and thank
18 you guys. That's it.

19 VICE CHAIR BERG: Thank you. Our next speaker is
20 Kristian?

21 She spoke. Thank you.

22 Let's go to Katelyn Sutter.

23 And what would be really helpful is as we -- keep
24 your on the list, and as your name is in the queue, make
25 your way down please, because we have some almost 80

1 something speakers, and we're still on number 41. So
2 please keep your eye on when you come down.

3 Thanks.

4 MS. ROEDNER SUTTER: My apologies.

5 VICE CHAIR BERG: No problem. Thank you.

6 MS. ROEDNER SUTTER: I'm Katelyn Roedner Sutter
7 from the Environmental Defense Fund. Thank you very much
8 for the opportunity to provide comments today.

9 EDF appreciates CARB's work on building and
10 implementing this community air protection program. And
11 we recognize that immense amount of staff time that has
12 gone in to getting to this point today. We're supportive
13 of the overall direction of the Community Air Protection
14 Program. Addressing mobile and stationary sources is
15 critical, as well as local land-use patterns.

16 But we do have a couple suggestions that I think
17 ally with some of the community groups that are
18 represented today to improve the implementation and
19 efficacy of this program even more as we move forward.

20 CARB has made important progress in community
21 engagement, and the efforts to make the process inclusive
22 and transparent are notable. But now we encourage CARB to
23 set a similarly high standard for each local air district.
24 The quality and capacity of the local air districts vary
25 widely in this state. But all communities, regardless of

1 the air district that they're in, deserve to have
2 meaningful and consistent progress towards addressing
3 local sources of air pollution.

4 To that same end, we would like to see CARB
5 ensure meaningful oversight of air district implementation
6 and progress. Measuring success, of course, is not only
7 important at the local level, but as -- at CARB as well,
8 and we would CARB to continue to work to ensure that as
9 many reductions as possible under these community emission
10 reduction plans are above and beyond existing initiatives,
11 and that the air quality and health impacts of those
12 reductions are clearly measured and reported. This is
13 also to ensure that as new measure are undertaken that air
14 quality doesn't inadvertently get worse.

15 Looking ahead, I also want to emphasize the need
16 for a reliable and transparent inventory of air toxics
17 emissions. AB 617 requires the reporting of these
18 emissions, and the need for a complete accurate, timely,
19 and accessible inventory is urgent.

20 So I'd like to thank you very much for your work
21 on this important program. CARB has certainly
22 accomplished a lot in just over a year, and we look
23 forward to working with you all to ensure that the program
24 is even more effective as we move forward. Thank you.

25 VICE CHAIR BERG: Thank you very much. Thank

1 you, Angelina.

2 MS. RAHIMI: Hi. Sorry for the confusion. Good
3 afternoon, Vice Chair Berg and CARB Board members. I'm
4 Angelina Rahimi, community development director of the
5 Franklin Neighborhood Development Corporation, part of the
6 South Sacramento Florin community.

7 I am here today to testify that FNDC supports AB
8 617. Although only a small portion of our community is
9 located in the designated zone for the first year of the
10 community emission reduction program. Another portion of
11 our community is considered for future pollution
12 reduction.

13 Our community is located on the north side of the
14 Florin Road. It's one of the areas which is most impacted
15 by the air pollution. Adding other economic and
16 environmental disadvantaged factors, such as poverty, lack
17 of parks and green spaces, makes it really hard for us to
18 prevent effects of air pollution on our health and quality
19 of life.

20 In our district, along Franklin Boulevard, we
21 have only one public tree. Based on the asthma indicator
22 in the CalEnviroScreen 3.0, the southern portion of our
23 neighborhood is in census tract with asthma percentile of
24 98 percent, meaning the asthma rate is higher than 98
25 percent of the other census tracts in California, and

1 poverty percentile of 95 percent.

2 These indicators shows a great need for
3 developing community-focused programs to more effectively
4 reduce exposure to air pollution and preserve public
5 health, and that's why we support AB 617.

6 That said, we have one concern that we are hoping
7 will be addressed during the planning and implementation
8 of the program. Although five central components to the
9 new AB 617 mandate, our only concern is increased penalty
10 provision for polluters. Although we support this
11 provision, we want to make sure low income and small
12 business polluters, if they're targeted, receive financial
13 support to invest in pollution reduction before penalizing
14 them for lack of financial resources for retrofit to
15 reduce the pollution.

16 With that, I conclude my testimony. Thank you
17 for this opportunity, and thank you all for your time. I
18 also want to thank Sacramento Air Quality Management
19 District. They worked very closely with our community, in
20 many fronts to address air quality issues.

21 Thank you.

22 VICE CHAIR BERG: Thank you very much for coming.

23 I think our next speakers are with a group, and
24 we're going to have some translation with it as well.

25 MS. TRUJILLO(through translator): Good

1 afternoon, everybody. I am from the Shafter community and
2 really happy that the city has been nominated. Have lots
3 of pollution there. There's a lot -- there's more than
4 200 oil wells. And there's also a lot of pollution from
5 many years from a company called Brown and Bryant. And up
6 to now, this hasn't been cleaned.

7 We also have a lot of pollution from the
8 pesticides that are being used in agricultural, because we
9 have a lot of fields around the houses. There are many
10 sick children, and it's a very small place with very few
11 citizens. So we're going to be really paying attention to
12 make sure our city is still kept on the list, so we can
13 achieve what we want.

14 Thank you.

15 MS. MARQUEZ(through interpreter): Good
16 afternoon. Thank you so much for nominating Shafter. I
17 thought you wouldn't even know it was on the map.

18 (Laughter.)

19 MR. MARQUEZ(through interpreter): But even
20 though it's so small, it's contaminated, it's polluted.
21 When we wash our clothes, they still come out smelling
22 like drain. When we water our yards, same thing. We have
23 to spend weeks in a row just closed up in our homes. Even
24 with our children, We cannot go out because of the
25 pollution. And there's many other things that a lot of

1 people have said before me. But if we are all united and
2 using the wisdom of the people who can find a solution, if
3 we are all together in this, we can bring our country, our
4 health all together united. The only thing we need is
5 that the few wealthy people are not selfish.

6 I know you're tired of hearing complaints and
7 more complaints, but please remember one thing, right now
8 the pollution affects those that are at the bottom. And
9 the ones that are making the money, do they think it's not
10 going to get to touch them? This biggest companies are
11 the ones creating the pollution. You can say no.

12 Please have compassion of all of us. We're
13 asking for help. Take those dollar signs off your mind.
14 Yes, money gives us comfort, a good life, walks, but what
15 did we get in exchange? We need an America that is
16 uplifted and clean with healthy children. We are
17 grandmothers, we are mothers, we are aunts, why are you
18 not taking care of our children of our childhood? Don't
19 let all these rotten parts destroy this nation.

20 Thank you.

21 (Applause.)

22 MS. SANTOY: Good afternoon. Thank you for
23 giving me a little space for giving my talking points.
24 But I'm coming as community, as a mother. I'm coming
25 as -- not as a sight community organizer. I'm coming here

1 because I'm focusing on the children that are being
2 affected on a daily basis. I work with day cares, I work
3 with children that are being exposed to all these
4 pesticides. I know part of the AB 617. It has a part of
5 the pesticide, but we really need to reinforce it to make
6 it stronger, because in the San Joaquin Valley we are
7 surrounded by agriculture.

8 Last year alone, we made \$7.2 billion just in
9 agriculture, and yet we're still in the poverty line. How
10 could that be? How could that come up? Children being
11 born with autism, down syndrome, where the Families aren't
12 able to -- don't have the resources to treat their child.
13 This is a long living disease that is happening to our
14 children, and yet nobody is doing anything about it.

15 We're in the low income community, and we're
16 not -- we're not asking for resources to come and just
17 save us all. We want a change. We want a change for our
18 kids, for our future. This is being polluted every day,
19 every day. The almond harvesting time is right now, and
20 our whole city is surrounded by huge dust. We can't see
21 the clouds. We can't see the sun like you guys do. We
22 just see dust.

23 Imagine our kids playing outside with all this
24 dust, having asthma attacks, having problems --
25 respiratory problems in a daily basis. And yet, families

1 can't even afford those medications, because they're in a
2 low-income communities, and they are in the poverty line.
3 How -- how do you feel standing up there and seeing that
4 our kids are being suffering every day, every day. And
5 still we're still having more kids being born with brain
6 defects, with autism, ADHD, down syndrome,

7 So thank you.

8 (Applause.)

9 MS. TORRES: Good afternoon, Madam Chair and
10 members of the Board. My name is Paulina Torres and I'm
11 an attorney with the Center on Race, Poverty, and the
12 Environment.

13 I'm speaking on behalf of our community residents
14 from the southern San Joaquin Valley who are unable to be
15 here today. I'm here to share their deep disappointment
16 over CARB's decision to neglect its responsibility over
17 pollution sources under this agency's jurisdictional
18 authority.

19 Upon CARB staff recommendation in February, our
20 communities identified a solution that fulfills exactly
21 what AB 617 intends, to reduce exposure in communities
22 most impacted by air pollution and to address the
23 disproportionate impacts of pollution, namely the imple --
24 the implementation of a statewide setback of 2,500 feet on
25 oil and gas operations included in the statewide strategy.

1 At every opportunity, every workshop, every Board
2 meeting, our residents raise their concerns and offered
3 this solution. In the final blueprint, CARB implied it
4 lacks jurisdictional authority. But not only has CARB
5 implemented a similar setback scheme in the past in 2004,
6 there are various provisions under the -- both the Tanner
7 Act and the Health and Safety Code, by which CARB can
8 source its legal authority.

9 Similarly, CARB's implication that it doesn't
10 have authority over pesticides which are also toxic air
11 contaminants, is simply wrong. Our courts have already
12 distinguished CARB and the Department of Pesticide
13 Regulations regulatory authority over pesticides. And the
14 case law is clear. CARB's authority over pesticides is
15 triggered once the pesticides are no longer in their
16 pesticidal form.

17 CARB's decision to divest its responsibility over
18 both a statewide setback and pesticides leaves our state's
19 most disadvantaged communities, the very communities
20 intended to benefit from this program, to doubt CARB staff
21 and ultimately this Board's sincerity and commitment to a
22 community-led and community-driven program.

23 The final blueprint states CARB's commitment to
24 working with communities to identify additional sources
25 that may require further statewide action. This leaves

1 open an opportunity for staff and this Board to make right
2 on these two issues, and we look forward to working with
3 staff regarding the legal authority on both issues.

4 Thank you.

5 MR. VALENCIA(through interpreter): Good
6 afternoon. My name is Refugio Valencia. I come from
7 Bakersfield but I work with community in Shafter. I am a
8 community organizer for the organization CRPE. I have
9 been working with the community of Shafter many years. I
10 know every last corner of the fields that surround the
11 community, as well as the feelings of the members of the
12 community.

13 Yeah, it's kind of a shame to be here all day
14 long talking about our complaints and our difficulties,
15 but definitely the community in Shafter is surrounded by
16 agriculture, and in the last years by they oil companies.

17 And as my mates that came before me already
18 explained, the big companies, both in agriculture and the
19 oil fields, are the ones leaving most of the pollution in
20 the last years. But when they report their earnings to
21 the press, they will also need to report what they are
22 leaving behind, which are big lists of sick people.
23 Unfortunately, this wealth is created on the backs of the
24 health of the poor people.

25 It's nice to think that the AB 617 law could be a

1 solution, but it's also known that lots of laws have been
2 created to improve the conditions. But I have seen with
3 my own eyes that those laws that have been created have
4 been just stepped on. I know there is a law already
5 existing in Central Valley where a tree shouldn't be cut
6 down and burned. But this in the last few years, I've
7 seen thousands of almond trees being burned.

8 I think part of the solution is actually doing
9 follow up of the laws that already exist, and punish very
10 harshly the companies that are actually burning as well
11 the loss. Thank you for listening, and we're going to be
12 very -- in very close touch with Senator Florez since he's
13 from this area. As our very big farm leaders Cesar
14 Chavez, said "Si Se Puede". Yes, you can. We can change
15 the this in favor of our communities.

16 Thank you.

17 (Applause.)

18 MR. CESAR AGUIRRE: Hello. My name is Cesar
19 Aguirre. I'm from Kern County. I'd like to thank --
20 start off by thanking all of -- you know, everyone here in
21 front of me that worked on this and helped make 617
22 possible. I come in support of the people of Shafter,
23 California, and as well as expanding the border down to
24 the Mexican Colony and Smith's Corner.

25 We've heard plenty from astroturf companies like

1 FedBiz and Kern Citizens for Energy. FedBiz also said
2 that they had 50 plus partners. But when I checked their
3 website, I saw five, and three of them were Era Energy,
4 Chevron, and WSPA. So, to me, that seems like an oil
5 conglomerate, as well as Kern Citizens for Energy. And
6 they say that this plan isn't perfect so we shouldn't move
7 forward.

8 Well, the residents want to move forward, the
9 people affected by this want to move forward. The fact
10 that nothing should be done until all the bases should be
11 covered is kind of, you know, insulting to the people that
12 have to live with this day to day. We've taken air
13 samples with some of the people that have come up here
14 through EPA approved methodology and EPA approved labs
15 that have shown high levels of benzene in Shafter. And I
16 would like to invite the people that say that there is no
17 evidence of contamination to inhale a canister of benzene
18 daily and do it with your children, because that's what I
19 feel those people were doing to the people in Shafter, and
20 also people like my sister who is a victim of asthma.

21 The well -- the highest well density in Shafter
22 is directly to the south where the Mexican Colony is and
23 the second highest well density within -- or close to
24 Shafter is directly to the north where the middle school
25 is. And when I did surveys in Shafter about the

1 contaminants, and how they feel, everyone that was an oil
2 worker, you know, people that strap up their boots and the
3 put the H2S monitors, say that they were in support of,
4 you know, creating laws that would protect them from
5 contaminants like oil and gas and agriculture.

6 But when I spoke to people that call themselves
7 oil and gas representatives, meaning people that never
8 expose themselves to this, they say we have the most
9 stringent regulations. But they're not the workers
10 working in the environment, where their boss cuts corners
11 and goes through loopholes, puts their safety in jeopardy
12 in order to make an extra dollar. Those are the people
13 that we want to represent, the people that walk up and
14 they say, yes, I'll sign your petition. I don't want H2S
15 in my neighborhood. I don't want toluene in my
16 neighborhood. I don't want all of these chemicals.

17 And they're aware of it, because they're trained
18 to identify this as a danger, so they want the same
19 protections in their neighborhoods. And as far as
20 environmental racism goes, around three-fourths of the new
21 wells that have been proposed since 2011 have been in
22 low-income communities. And this is because they're not
23 going to build mansions on top of old oil pads. So I'd
24 like for you, and I'd like to thank you for all the work
25 you've done and continue to work, and, you know,

1 illustrating Shafter and all of the other communities that
2 do fit into the program and do deserve attention.

3 Thank you very much.

4 (Applause.)

5 CHAIR NICHOLS: Yes.

6 MS. ROSLYNN MARTINEZ: Hello. My name is Roslynn
7 Martinez. And I have been in the Imperial Valley
8 basically my whole life. And the air quality has been bad
9 for as long as I could remember. When I was in elementary
10 school I had like two friends who -- who had asthma and
11 one of them actually had to move because her mom was
12 concerned about her health. They -- I think they moved to
13 Anaheim or something.

14 But until this day, the air isn't any cleaner in
15 the Imperial Valley. You know, last year the American
16 Lung Association graded us an F like for our air quality.
17 And so this day nothing has happened. Like, grade is
18 still the same and it's on us to change it. But I think
19 the emission reduction plan would help bring that grade
20 down for the sake of the air quality -- not only the air
21 quality, the people that it affects.

22 Like, my little brother is six years old and he
23 has pretty bad asthma. Sometimes has to use the nebulizer
24 to feel better and to ease his breathing.

25 And I have an air monitor installed outside my

1 house. And it says whether it -- the air is good enough
2 for the kids to go outside to play, because I have a
3 little brother and sister system. And like if the -- if
4 it shows that it's like red or orange, well, my grandma
5 won't even let the kids go outside, because she doesn't
6 want them to get sick or anything.

7 So the worst -- when it gets really bad is when
8 it's windy. Sometimes the wind gets so bad that the --
9 that the dirt goes into the sky and the whole sky is brown
10 and gray and you could barely breathe. I don't have
11 asthma, but I go outside and I start coughing. My eyes
12 get red. I get allergies really bad. I can barely
13 breath, and I'm like dying. And it happens to my grandma
14 too. Just everyone is affected by it. Like, all the dust
15 comes from the -- from the desert out there, like by the
16 Salton Sea.

17 And it's not good to breathe in dirt, because of
18 all the particles it contains. And most likely, you know,
19 some of that dirt comes from the Salton Sea, and it has --
20 it has like stuff in it, like selenium and arsenic just
21 elements. And it -- well, that can't be good for our lung
22 just slowly killing us, and possibly causing lung --
23 cancer in the lungs, maybe even the blood.

24 We should be monitoring other toxics and
25 pesticides, which is most agricultural -- if want --

1 sorry. If we want an emission reduction plan, we need to
2 ban agricultural burning in our community. I know that
3 this should be -- this should have been done a long time
4 ago. But I live next to a pesticide Superfund Site, like
5 I can see it from my window. It's -- I don't know. It
6 has -- it's like a pile of dirt. It has all kinds of
7 chemicals on it, like pesticide stuff. And usually people
8 go over there and they spray it down with ammonia, so it
9 won't -- so when it gets windy, it won't go in the air and
10 affect people. But it has ammonia, so I'm pretty sure
11 it's still affecting the air regardless.

12 But that Superfund shouldn't be there, because
13 it's affecting our health. And people have gotten around
14 my -- around my neighborhood, unexpectedly, like they
15 don't even know where they got it from. Like three people
16 I know have already passed away, and I think it's because
17 just the air in the valley. It's bad.

18 CHAIR NICHOLS: You've used up your time.

19 MS. ROSLYNN MARTINEZ: Yes.

20 CHAIR NICHOLS: Okay. Thank you.

21 (Applause.)

22 MS. PONCE(through interpreter): Good afternoon.
23 My name is Martha Ponce. As a resident of the community
24 of Brawley, California, I'm here to support the program of
25 protection of the community air. It will benefit the

1 whole Imperial Valley, which has hundreds of families
2 affected with illnesses that are related to the bad
3 quality of the air, asthma and allergies just to mention
4 some, which are a result of several factors in our
5 environment.

6 These programs will help provide more information
7 to the communities, and it will help somehow to improve
8 our quality of life.

9 Thank you for the opportunity.

10 CHAIR NICHOLS: Thank you.

11 MS. BEJORANO: Good afternoon, my name is Esther
12 Bejorano, and I'm a community health organizer for Comite
13 Civico Del Valle for the past 15 years. Recently, I work
14 very closely with our schools, pre-schools, and help them
15 now. With their feedback, they want us to help them
16 understand asthma. And so there's a lot of asthma in
17 Imperial County.

18 But I think a lot of it's already said.
19 Everything that's important about cancers and asthma, and
20 I'm sure that you've seen all the data. I think we're the
21 voice of the community of teachers and parents that cannot
22 be here today. So I strongly support this bill. This is
23 basically the voices that are reaching to your platforms.
24 Thank you so much.

25 CHAIR NICHOLS: Mr. Lugo or Mr. Zambrano.

1 MR. LUGO: Hi. Good afternoon, good evening,
2 Board -- members of the Board. My name is Humberto Lugo.
3 I'm with Comite Civico Del Valle. And for the past
4 decade, Comite Civico has been needing a lot of air
5 quality projects our in Imperial County, research
6 projects. And most recently and notably the community air
7 monitoring network known as IVAN Air.

8 And so, we feel with the implementation of AB 617
9 gives us, our community, a greater opportunity to expand
10 the monitoring knowledge that we already have, which we
11 understand -- I should probably go back a little bit. We
12 understand some communities are -- want the emissions
13 reductions plans. And that's what we want as well.

14 However, in our community where we were lacking
15 this data, this community air monitoring network has been
16 a very useful tool to our community. It has changed, you
17 know, the landscape, but not just at the local level, but
18 statewide policies, as we're seeing now with AB 617.

19 So I really commend the work that has been put to
20 get this plan out and make sure the communities are
21 nominated. I know there's still a lot of work to do.
22 There's a lot of communities that I really wish they would
23 have been all -- I would have like to see all of them been
24 nominated, because I do work in the Imperial County, but
25 also work with the Coachella Valley. And to me it's very

1 important that that basin -- although, it's a shared air
2 district, that we somehow can work together to have CARB
3 and the two air districts work together, because it's not
4 just one district. We -- that's a different challenge we
5 have there. We have the South Coast AQMD and the Imperial
6 County APCD.

7 And, you know, it might seem that we're here now
8 with this nomination, but it would -- it took a lot of
9 work to get here at the local level, at the ground level.
10 You know, putting these -- this plan together,
11 communicating with the local air district, communicating
12 with APCO and telling them this is what we want, and
13 making sure that they agreed. And it was a lot of back
14 and forth. And we still got a lot of work to do.

15 I want to make sure that I -- that we also look
16 at pesticides. I know that's something that's missing,
17 and I feel like we missed pesticides, but I think that
18 should be -- start falling under the direction of ARB,
19 because there's -- agriculture communities are being
20 exposed daily with pesticides, whether they do it in the
21 morning, they do it at night when nobody is watching, but
22 it continues to happen.

23 Another thing I wanted to add, the community
24 steering committee, I know that, you know, the blueprint
25 asks, you know, a community steering committee should be

1 comprised of different community members. But if we allow
2 industry to continue to sit in that where community
3 members are sitting, they're going to want to run the
4 dialogue. They're going to want to change -- want it
5 their way. You know, they're going to try to say, well,
6 we can do this. And community members are -- might
7 sometimes be reluctant to sit with them. So we have to be
8 real careful how we develop that steering committee.

9 I know that we proposed an environmental justice
10 committee and including industry, but I think we need to
11 be very careful how we do that, and how industry can
12 influence -- have a lot of influence over a community, not
13 with -- not what they want, but in -- you know, when it
14 comes back to CARB as a -- to present. So thank you.

15 CHAIR NICHOLS: Thank you. Now, Mr. Zambrano,
16 hi.

17 MR. ZAMBRANO: Hello. My name is Carlos
18 Zambrano. I'm with the Rose Foundation and also New
19 Voices Are Rising. It's an environmental justice youth
20 program.

21 First, I'd actually like to thank Roslynn for
22 speaking. That was very brave of you. Thank you for
23 stepping up. And my other students are here too. So
24 they'll speaking as well. I live in Oakland, and I live
25 right across the freeway and the port. Walking out in the

1 morning feels heavy. It's like I'm walking into a wall of
2 smog and dust. But we know about the issue that people
3 Oakland deal with, and I know that West Oakland is being
4 recommended for one of the first priority communities.

5 But I have some words here from Oakland youth
6 that live both in West and East Oakland. Esau[phonetic]
7 says that we need to minimize gas emissions.

8 Mina[phonetic] says I think the cause of pollution in my
9 neighborhood is gas. People need to start using public
10 transportation. Trucks and cars and factories are
11 polluting my neighborhood. There shouldn't be so many
12 factories. Sabell[phonetic] said this from East Oakland,
13 cars and factories are polluting her neighborhood. Smoke
14 and pollution are a big issue for David. And it goes on.

15 More needs -- this person who remained anonymous
16 said we need to have more air filtration. But then
17 Jasmine -- her last name was illegible. I don't know what
18 her last name is. But she says that the community needs
19 to come together, and I think that's very true. And
20 although this process isn't perfect, I do look forward to
21 working with the West Oakland community and involving them
22 in this process. I will be on the steering committee for
23 the West Oakland project. And thus, I hope and am excited
24 for West Oakland to be chosen.

25 That said, East Oakland is also a hot spot for

1 air pollution, and their concerns must be heard. And
2 either the number of communities chosen for the first
3 round should be increased or East Oakland should be chosen
4 for the immediate next round. You have to listen to their
5 concerns, because that is what this entire process is
6 supposed to be about.

7 Thank you for your time, and have a great day.

8 CHAIR NICHOLS: So we have a list of four other
9 speakers now from your group.

10 MR. ZAMBRANO: Yes. One left, so I'll be reading
11 Michelle's testimony.

12 CHAIR NICHOLS: Okay.

13 VICE CHAIR BERG: Why don't we go ahead and have
14 all four of them come down, and that way they can support
15 each other and go one after the other. That will be
16 great. Thank you so much. And welcome. Glad to have you
17 here.

18 MS. ROJAS: Good evening. My name is Itzel
19 Rojas. I am here to discuss about the air pollution in
20 Oakland. We need to discuss about how air pollution could
21 cause many lung diseases and how bad air quality can
22 affect a lot of people with asthma. For example, as
23 someone like me who has asthma, it's very difficult for me
24 to control my asthma while the air is all polluted.

25 It has affected West Oakland. That's where I

1 live. It has really affected West Oakland a lot. And I
2 think West Oakland should be one of your first priorities
3 to fix. Thank you very much.

4 MR. ZAMBRANO: So I'll be speaking for Michelle.
5 So I'm Michelle.

6 Good morning. My name is Michelle and I'm here
7 to talk about the Community of West Oakland, and why West
8 Oakland needs to be -- needs a community air protection
9 plan. I'm just going to be frank with you. The pollution
10 in Oakland is terrible. I'm not here to make stuff up or
11 to put -- but to put facts to light.

12 The air quality in Oakland is poor, but that's
13 obviously a given. There's so -- there's so many
14 contributors to the pollution, like the Port of Oakland,
15 the two major highways, 580 and 880, the diesel trucks
16 that are allowed to drive around. And now that more
17 people are moving to Oakland, the construction of new
18 buildings is the source of dust particles that are making
19 it hard to breathe. As more people come to our city, the
20 smog that emits from cars will become stronger. And the
21 overall pollution of the people of the city will be
22 combined.

23 West Oakland is a polluted community made up of
24 three big pollution sources that I mentioned before. I'll
25 have you know that the asthma rates in West Oakland are

1 high. And compared to the rates of other communities, the
2 difference is unbelievable. Other communities are
3 obviously suffering from this wave of unbearable
4 pollution.

5 I implore you to chose West Oakland because of
6 how poor the air quality is. The children in the
7 community can't breathe without inhaling the toxic air.
8 So once again, I ask you to approve West Oakland because
9 of how vulnerable the community is. I also ask that in
10 the near future, you consider East Oakland, because
11 pollution doesn't just stop at the border. It oozes into
12 neighboring communities.

13 Thank you for your time.

14 CHAIR NICHOLS: Thank you.

15 MS. NARIAH GARCIA: Hello. I'm Nariah Garcia and
16 I'm her to talk about -- well, I'm here with the Rose
17 Foundation, but I want to talk about making East Oakland
18 next or whatever. There's a lot to change in East Oakland
19 due to air pollution. Like, for example, there is a whole
20 block that's under construction right now, instead of
21 going little by little.

22 My mom suffers from this, because the traffic
23 gives her migraines from the fumes and the -- from the
24 fumes of the cars that are in the traffic. She comes home
25 with migraines. She always complains to me, puts it on

1 me, makes me do all the chores. Anyways.

2 Okay. I live in East Oakland. Although I am
3 mainly in downtown Oakland or West Oakland, because that's
4 where my friends are, and I have an internship there, I
5 am -- I was raised in East Oakland, and my brother has
6 also has a -- has breathing problems.

7 So thank you for your time, I guess. Okay.
8 Thanks.

9 CHAIR NICHOLS: Thank you.

10 (Applause.)

11 MR. EVERETT: Hello. My name is Shiloh. I live
12 in downtown Oakland. And I'm here just with the Rose
13 Foundation and New Voices are Rising. And I'm most here
14 just to say thank you for giving us your time, and, you
15 know, precious minutes. Then I hope we can get policies
16 to clear our unhealthy air, so we can improve pretty much
17 Oakland, and not become apocalyptic waste land.

18 So thank you.

19 CHAIR NICHOLS: Okay. Thanks very much.

20 (Applause.)

21 CHAIR NICHOLS: Good job.

22 Will Barrett.

23 MR. BARRETT: Hi. I'm Will Barrett with the
24 American Lung Association. Actually, on the card, it
25 showed my name as Will Barrett Rose. And it would be an

1 honor to be associated with all those great last speakers,
2 so I appreciate everything that they had to say.

3 The Lung Association supports AB 617 as a pivotal
4 opportunity to address long-standing impacts from local
5 pollution sources that harm public health. We believe
6 that the first year is critical to the long-term success
7 for the program, and that the actions taken today going
8 forward from today's hearing will ultimately determine
9 success of the program.

10 I think Jesse Marquez, nailed it. I think he's
11 still here. If you're going to choose 10, do it right.
12 There's certainly communities that are deserving that were
13 not included on the initial list. And there are
14 communities on the list that have an appropriate
15 expectations that they'll be -- they'll have a meaningful
16 role in what comes next.

17 In either case, the process has to deliver
18 results in terms of representative community residents
19 leading the advisory committee discussions, pollution
20 reduction plans for all 10 communities as quickly as
21 possible, measurable targets for reductions in harmful
22 pollution, measurable improvements using public health
23 data metrics, changes in how pollution sources and land
24 uses are considered within this process, and then
25 replicable results for communities added in the future.

1 For the communities selected, the steering
2 committees will be critically important to the success and
3 the trust that will be needed going forward. And these
4 communities should be reflective of residents impacted by
5 local sources of pollution, and should be selected in
6 terms of demographics and economics of residents affected
7 by local pollution sources.

8 CARB and the districts have a responsibility to
9 ensure that representative community input is central to
10 the steering committee process to their official
11 recommendations and to the plans and actions that are
12 taken out of those committees to achieve public health
13 benefits.

14 Ultimately, we need to learn from the process and
15 ensure that fine-tuning goes on along the way, so that
16 when additional deserving communities are added to the
17 list, the planning and pollution reductions follow as
18 quickly as possible. In combination with the suite of
19 zero-emission rules being developed by this Board, by the
20 targeted clean-air investment opportunities that are
21 before us and other successful regulations that we know we
22 needed to achieve our clean air and climate standards, AB
23 617 is a key opportunity to address harmful impacts in
24 these 10 communities that you're moving forward with today
25 and beyond.

1 Thank you very much.

2 CHAIR NICHOLS: All right. Josh Canderlaria?

3 Ray As -- Ray Askins?

4 MR. ASKINS: Yes. I'm Ray Askins and thank you
5 for your time. I promise to keep this short, which is
6 unusual for me.

7 (Laughter.)

8 MR. ASKINS: If you don't adopt Imperial County
9 along with Calexico, El Centro, Heber, all efforts are
10 going to fail unless you include Mexicali. I live in
11 Mexicali. I have one of the 40 air monitors above my
12 home, so I have a very good idea what's going on in
13 Mexicali. They need your help. I've had the Secretary of
14 Environment come out. She's very much interested in these
15 neighborhood air monitors. One of the things I find that
16 can immediately solve -- start solving the problem about
17 air pollution is planting trees. And in the process of
18 planning trees the not just' enough, but providing the
19 equipment to drill the holes, to water the trees
20 systematically, as they need water just like people need
21 food. And I think -- I hope you hear me.

22 Thank you.

23 CHAIR NICHOLS: Thank you.

24 (Applause.)

25 CHAIR NICHOLS: Ms. Paz.

1 MS. PAZ: Yes. Thank you, Madam Chair. Silvia
2 Paz. I'm the Executive Director of Alianza Coachella
3 Valley, formerly known as Building Health Communities,
4 Eastern Coachella Valley. And we are now structured as an
5 alliance of 10 organizations as diverse as advocacy
6 organizations, planners, engineers, including government,
7 Educational agencies.

8 And what balanced this together is a vision for
9 Coachella Valley that is vibrant, thriving, and healthy,
10 where residents have a seat at the table for the decisions
11 that are impacting their daily lives. I believe that AB
12 617 really envisions or embodies that same vision, which
13 is what made it really hard for me to sign my note -- note
14 today for public comments as in opposition.

15 And the reason why, it's because I want to speak
16 today about the process that left the communities of the
17 Coachella Valley outside of the community selection
18 process. And that process really did not start with the
19 conversations of AB 617. It started back, as far as my
20 own engagement, in 2010.

21 When we had environmental -- Western
22 Environmental emitting noxious orders in our community
23 that is already surrounded by agricultural and pesticide
24 use. At that time, in 2010, many of our students,
25 teachers were fainting, vomiting because of this noxious

1 air.

2 We called on AQMD, and to their credit, they have
3 been in our community. However, that has not always led
4 to an action to address the issues. At that time, AQMD
5 told us that the symptoms our community was facing were
6 normal, and we had to engage our then assembly member to
7 bring in the Department of Toxic Substances Control to
8 address the matter, right? So that's 2010.

9 Since then, we have been asking for monitoring,
10 not because our communities need monitoring. I have a
11 seven career old that tells me mommy, during recess today
12 my friends and I took shelter under a bench. And I asked
13 her why would you do that instead of playing. And she
14 says well, you know, sometimes just my nose gets clogged
15 and then I get a runny nose -- a blood nose, and -- so I
16 just stay under the bench, right.

17 So we don't -- I agree with many of the other
18 residents that have said we don't need monitoring, but I
19 also do know that if that is what's going to help our air
20 district to come up with an emissions reduction plan that
21 addresses our sources of emission, then we need to invest
22 and we need to invest now.

23 I'm really concerned if by this time South Coast
24 does not have a true understanding of what the sources of
25 emissions are in my community.

1 So to end, my request is going to be two-fold.
2 One, I have not received -- our communities have not
3 received an answer as to why it is that we didn't meet the
4 criteria for nomination. So we need an answer. The other
5 answer that we need is how is it that the community
6 monitoring that is lying in the hand of non-profit
7 organizations going to be validated by the air quality
8 resource agencies, so that it does inform a reductions --
9 an air emissions reductions segment.

10 CHAIR NICHOLS: We've given you extra time.

11 MS. PAZ: Thank you. I appreciate it.

12 CHAIR NICHOLS: Appreciate your comments.

13 Okay. Thank you.

14 MS. HUAZANO: Good afternoon. My name is Sahara
15 Huazano. I work with Alianza Coachella Valley. And I'm
16 also a resident from Mecca. I was born and raised in an
17 unincorporated community where I grew up thinking that
18 asthma -- that asthma was cold -- a cold symptom that my
19 siblings had. There were a total of five siblings. I'm
20 the middle child. Having to grow up thinking that it was
21 normal to see it with my friends within our school
22 districts, and later on growing up and thinking that it
23 was normal.

24 Going off to other communities, more affluent
25 communities, where I realized that as soon as the smell

1 coming from a certain factory that used to exist there was
2 next to our PGA West Country Club. They got a few phone
3 calls, and that factory was closed down within the month.

4 Within us here in Eastern Coachella Valley, we
5 live next to agriculture, and it's beautiful. We feel
6 very proud to feed America. We feel very proud to be
7 there to be and immigrant child. We feel very proud to be
8 part of the Salton Sea, but we also see the issues. We
9 also see that it's -- they're not being addressed.

10 In 2012, there was that burp that people talk
11 about through the LA Times, where the smell was so strong,
12 and it was so dispersed it reached Los Angeles. But that
13 was just one time. Imagine it as it's drying up. For us,
14 it's very important and very crucial that Eastern
15 Coachella Valley is part of the top 10. In not, for
16 district to prioritize and have a sustainable plan of how
17 to address our issues. We want a mitigation plan.

18 We sure know what is wrong. We know that there's
19 nose bleeds. We know that there's asthma. We know that
20 there is something. We just need to make sure that it's
21 being addressed, because our communities are never getting
22 anything. We're always fighting for it. We weren't in
23 CalEnviroScreen 1.0, until CalEnviroScreen 2.0. And we're
24 still missing community members in CalEnviroScreen 3.0.

25 So we're here as community members continuously

1 fighting because we're always left out. So thank you so
2 much.

3 MS. LILIAN GARCIA: Good afternoon, Madam Chair,
4 Board members, Senator Florez and Assembly Garcia. My
5 name is Lilian Garcia. I was born and raised in the
6 Coachella Valley.

7 I am here as a private citizen advocating for the
8 Coachella Valley. Our communities have been impacted by
9 the Salton Sea for the past decades creating airborne
10 issues. The north shore community and other adjacent --
11 other adjacent communities to the Salton Sea have
12 experienced nose bleeds among children for 4 to 12 years
13 old, there's three schools -- elementary school, Oasis
14 Elementary, Saul Martinez, and the elementary school in
15 West Shores that these kids -- there's probably about 10
16 kids a day, from what the teachers have told me.

17 The Salton Sea also still contains unexploded
18 ordinance in and on the playa, according to the third
19 five-year review done by the Department of Navy, which was
20 submitted in May of this year to water boards. Another
21 great impact is the Chocolate gunnery range which emits
22 thousands of lead. Hydrogen sulfide is another issue we
23 face, and banned pesticides, which some are airborne
24 causing cancer.

25 I am requesting for each one of you to reconsider

1 selecting the Coachella Valley. This region counts with
2 lo -- locally based organizations who live, work, and have
3 strong connections to the residents, and understand our
4 air quality concerns. They should be looked as leads in
5 this effort. I would also like to bring to your attention
6 that some of the grantees are on the advisory, which
7 creates a conflict of interest. The misuse of public
8 funds should be avoided, and fair community representation
9 should always be a priority.

10 I do have I think about a minute or so. I just
11 want to mention to the Board members that I did request a
12 metal emissions monitor for the north shore community, and
13 for Calexico. I also requested a mobile trailer for north
14 shore and Calexico. There's a lot of issues going on in
15 the Eastern Coachella Valley and Calexico. And I hope you
16 Board members talk to ARB staff so this request could be
17 granted. The National Border Patrol Council too has also
18 requested this.

19 Thank you for your time.

20 CHAIR NICHOLS: Thank you.

21 MS. AIRD: Hello. My name is Sarah Aird. I'm a
22 co-director of Californians for Pesticide Reform. I
23 really appreciate the opportunity to weigh in on the final
24 blueprint.

25 So Californians for Pesticide Reform is a

1 statewide coalition of more than 190 member organizations
2 around the State representing hundreds of thousands of
3 Californians, especially in agricultural communities. We
4 primarily work in farmworker and with farmworker
5 communities. And the communities that we work with are
6 frankly really tired of pesticides not being included in
7 anything related to health or climate. We haven't seen
8 pesticides explicitly named in the Health Soils Program,
9 in the scoping plan, in safeguarding California and now in
10 AB 617, pesticides are not being included currently in the
11 emissions reductions plan.

12 And so we are asking that they be included and
13 that there be an updated draft that actually incorporates
14 the very serious pollutants into the emissions reductions,
15 both at the statewide level, and as well in Community
16 Reduction Plans.

17 Having said that, I'll explain why we think this
18 is really critical. Number one, AB 617 is explicitly
19 supposed to be targeting toxic air contaminants as well as
20 criteria pollutants. There are over 46 toxic air
21 contaminants that are pesticides. Of those every year 45
22 million pounds of pesticide toxic air contaminants are
23 being applied in our communities. And they're not being
24 applied evenly across the state.

25 This is an environmental racism issue. They're

1 being applied most heavily in Latino farmworker
2 communities, with two-thirds of all pesticides being
3 applied in the San Joaquin Valley. So it's absolutely
4 critical that this be addressed.

5 Among the toxic air contaminants that are
6 applied, there are many that are fumigants. Those are --
7 those contribute to ozone. They're volatile organic
8 compounds.

9 We also see with recent research that fumigants
10 are contributing to secondary organic aerosols, which are
11 a key component of particulate matter 2.5, which CARB has
12 identified as a priority.

13 So why does this matter? For me, this is a lot
14 of wonky language. Why do I care? I care, because I work
15 with someone who is a wonderful person, Teresa DeAnda, who
16 passed away when she shouldn't have. And I would call her
17 at certain times and she'd say, oh, they're applying
18 pesticides now. How did she know? Because the fog from
19 the pesticides were coming into her home. That is
20 unacceptable.

21 Again, why does this matter? It matters when
22 your child -- it matters when you have a child with
23 leukemia or brain cancer, who may not outlive you. It
24 matters when you have a child born with autism, a child
25 who's going to need educational and other supports for the

1 rest of his or her life. It matters when you cannot get
2 pregnant or you have multiple miscarriages, or your child
3 is born with birth defects. It matters when your child
4 can't breathe because of asthma. And it matters when your
5 child may never have his or her intellectual capacity
6 reached, because he or she was exposed to pesticides in
7 the womb, and so his or her IQ levels are actually lower
8 than they should be.

9 Finally, the last thing that I would like to say
10 is that if the Board does not include pesticides in this,
11 you are missing a huge opportunity. I've heard here today
12 multiple times that this -- we need to be thinking about
13 new ways of doing things. This is a critical moment to
14 look at how we farm in California.

15 We should be supporting farmers who grow
16 organically, regeneratively, who support the healthy soil.
17 There are lots of farmers in California who are doing
18 that. There are lots of other farmers who want to be
19 doing that. And then there's some other farmers who
20 aren't that interested right now. We need to be
21 supporting those who are willing to convert to a type of
22 agriculture that doesn't kill their neighbors.

23 There's plenty of wonderful farmers who are not
24 doing that, and pesticides were a tool that we learned
25 over time how harmful they are. It's time for us to

1 really invest and help all farmers and all our
2 agricultural communities come to a place where they're
3 not -- where kids can walk in the fields, and they don't
4 have to see a poison sign with a skull on it telling them
5 that it's that dangerous.

6 CHAIR NICHOLS: Thank you.

7 MS. AIRD: Thank you.

8 Laura Renger.

9 MS. RINGER: Hi. Good afternoon. Laura Renger
10 from Southern California Edison. Souther California
11 Edison strongly supports CARB's proposal today in the
12 staff recommendation. We serve 45 percent of the state's
13 disadvantaged communities, and we recognize the harmful
14 impacts from air pollution on our customers. We also
15 strongly support the inclusion of Long Beach, Carson,
16 Wilmington, Boyle Heights, and San Bernardino, as these
17 communities face impacts from vehicle emissions and from
18 our local refineries.

19 Lastly, we support staff's efforts to ensure
20 consistent record keeping and reporting requirements, and
21 we look forward to working with our local communities,
22 CARB staff, and the SCAQMD to combat air pollution in the
23 south land.

24 Thank you.

25 CHAIR NICHOLS: Miguel Hernandez who's next?

1 Martha Argüello, there you are.

2 MS. DINA ARGÜELLO: Good afternoon, Board
3 members. Martha Dian Argüello. I'm the Executive
4 Director of Physicians for Social Responsibility. And
5 today, I'm also here representing Californians for
6 Pesticide Reform. And I've been the co-chair of that
7 coalition for over 15 years.

8 And collectively, we're here to ask you to be
9 bold, to be brave, and stand with our communities in
10 calling for direct emissions reductions, and making sure
11 that each of these plans is followed -- is backed up by
12 real goals in terms of health improvements, but real goals
13 in terms of reductions, because we have a challenge,
14 right? We need to have credible data to advance emissions
15 reductions across the state, while also doing community
16 monitoring, and also having real reductions.

17 I understand that that's challenging, but
18 boldness will get us there. It will get us to the real
19 reductions that communities need now, whether that's from
20 the agricultural fields and the pesticides that are
21 harming our communities, or pesticide manufacturing that's
22 also harming communities in Southeast L.A. And so we
23 can't get stuck on this little idea that, you know, once
24 it's out the nozzle, it's no longer a pesticide, and then
25 it's a toxic air contaminant. And there you do have a

1 role, and we want you to step in -- into that role,
2 because what you've heard today is many people in the
3 Central Valley we cannot improve air quality there without
4 addressing the issue of pesticides.

5 We also stand with many of our brothers and
6 sisters who have come today to say Richmond needs a
7 community air improvement plan. East Oakland needs a
8 community improvement plan. South East Los Angeles
9 certainly needs one, and the Eastern Coachella Valley as
10 well.

11 And the other part of this is we've been warning
12 you since 617 passed about not creating a system that
13 makes communities compete with each another, where we have
14 to play I'm more polluted Olympics than you. That is not
15 the approach that we want. We want to make sure that
16 there's lessons learned, and go sector by sector, so we
17 can have -- while you're choosing these 10 communities,
18 that we choose all the communities that are in the red
19 zones. We cannot continue to exclude communities.

20 Also, we want to make sure that on the community
21 steering committees that we don't get lost in this idea of
22 balance, because what I've seen over my last 20 years is
23 that we get stuck in this thing versus jobs versus the
24 environment. And so we have environmental justice
25 advocates and health advocates, and we never get past any

1 kind of conversation when we talk with industry.

2 And so you need a different model, because the
3 model that you're using now just puts us where, no, I
4 don't like what you're doing. No, I'm going to stop what
5 you're doing, and we don't get to the kind of innovations
6 that we actually need in our communities for pollution
7 control, right?

8 We need new industries, new kinds of jobs that
9 are available where we're not sacrificing health and our
10 lungs for that. And we're not going to get that with the
11 way we've been doing business as usual.

12 So think clear -- you know, we're not -- I'm not
13 sure what that structure should be. But we really should
14 be talking about, one, how it's structured, but also
15 how -- how are you going to manage that and facilitate
16 those conversations, so that they're actually different
17 ones, and about real emissions reductions for communities,
18 and the kind of innovations we need long term, so we're
19 not trading jobs for health.

20 Thank you.

21 CHAIR NICHOLS: Thanks.

22 Lizette Hernandez

23 MS. LIZETTE HERNANDEZ: And, of course, my notes
24 froze. Good afternoon. My name is Lizette hernandez, and
25 I'm the Director of Health and Environment programs PSR,

1 L.A., Physicians for Social Responsibility. My work
2 involves managing our program to bring environmental
3 justice to communities directly impacted by toxic
4 contaminants in our air, land, and water. Our
5 organization works with the medical community. We have
6 2,000 health professional members highlighting the health
7 impacts of affecting these communities, and also to work
8 on policies that will bring about the required systemic
9 changes.

10 We also work in the field of -- in the research
11 field of green chemistry to try to transform former
12 polluting industries to green industries.

13 And I'll just go into, I guess, our
14 recommendations. One is to weave in the health metrics
15 connected to net emission reductions into the general
16 outcomes of 617. How will all this eventually improve the
17 health indicators of our communities? Will asthma,
18 cancer, respiratory health, nervous system conditions
19 improve, in what communities, by how much, and when? Will
20 it also affect the same black and brown families that are
21 disproportionately impacted today?

22 Will it increase life expectancy and life
23 quality? Tangible benefits need to be matched by the
24 lived experience, so the people, for example. Sometimes
25 the water districts will say the water is clean, but then

1 the tap water that comes out of the tap still is brown.

2 So the second thing is we want to create working
3 groups that include doctors and other health professionals
4 that treat these cases at the hospitals or the clinics in
5 each of the different communities as needed, as the
6 communities see fit.

7 Also, come up with a plan for every single
8 community already in red zone according to the
9 CalEnviroScreen. Why are you not -- are you not using the
10 science that you already have that says that these zones
11 are already in crisis.

12 Also, we would like a -- to come up with a, of
13 course, emission reduction plans for every single
14 community, as quickly as possible with clear benchmarks
15 over the short and long term that can be understood by the
16 community, and they the can weigh in.

17 Fifth, a super majority of residents from these
18 communities be in the community steering committees with
19 the decision-making power. If you yourself have not
20 driven your own child to the hospital in crisis during an
21 asthma sort of, you know, condition, like my child has
22 been in, then it's really hard for us to not see ourselves
23 represented in these decision-making bodies.

24 Coordination, six, with implementation of TCC,
25 673, and other local or State policies. All of a sudden

1 environmental justice is all the rage. Great. Many of us
2 have been working for 20 plus years, and all of sudden all
3 these folks are being pulled into many directions.
4 Sometimes, you know, it's like we're coordinated, but the
5 agencies are not.

6 Seventh, coordinate with climate emergency
7 departments. Many of these same communities will be the
8 first hit by emergency situations, and also green
9 chemistry, working with us to design technological
10 solutions.

11 CHAIR NICHOLS: Thank you.

12 MR. JACOB: Thank you, Chair. Thomas Jacob. I'm
13 here on behalf of the Chemical Industry Council of
14 California. We've submitted comments on several
15 iterations of this. And most recently, we've also
16 attached ourselves to comments from the Manufacturers and
17 Technology Association, which we believe articulated a lot
18 of specifics that I think remain to be -- remain to be
19 satisfactorily worked through. We'll have to say though
20 that we recognize that this is absolutely extraordinary
21 challenge, and I would have to be -- believe one of the
22 most significant that the Board has been responsible for.

23 The challenge of integrating this law with its
24 specifics and its narrow focus with the larger laws and
25 authorities that you have is not a small one. We

1 recognize that.

2 We commend staff for zeroing in on a path forward
3 that we think is workable. We think they've been
4 extraordinarily accessible and very responsive to our
5 concerns as we've registered them. And I believe they
6 have been with the larger community of stakeholders.

7 This is important because decisions in this
8 realm, we believe, have much broader effect than just the
9 communities or the immediate industrial facilities that
10 are involved. The industrial areas that are some of the
11 major areas of focus here are extraordinarily important to
12 the economy of California, and the nation as a whole. We
13 think it will be a challenge to find solutions that meet
14 the needs of both protecting the interests that have a
15 stake in that economic utility as well as the challenges
16 that have been articulated so well by members of the
17 communities here today.

18 We want to be at the table when those discussions
19 are held. We think that all of the stakeholders should be
20 at the table, and we think it's still as open as this
21 process has been. The case that there are stakeholders
22 that don't even know they're going to be affected yet,
23 and -- but they will be. Sooner or later they will have
24 to be heard from.

25 We think that's one of the reasons why as a

1 closing comment, I'd simply articulate that we feel that
2 CARB and the districts do need to retain ultimate control
3 of this process. We were a little concerned to see, for
4 example, a clause suggesting that the boundaries, the
5 final decisions of the boundaries wouldn't be made by CARB
6 or the staff. We think that is inappropriate. Those are
7 extra -- potentially extraordinarily impactful decisions.
8 And we do think that the responsibility rests here and
9 that is appropriate.

10 Thank you.

11 MS. TSAI: Hi. Good afternoon. I'm Stephanie
12 Tsai with the California Environmental Justice Alliance.
13 As you all know, you know, we go by CEJA. We are a
14 statewide coalition of grass roots community-based
15 organizations working together statewide to advance
16 environmental justice and State policy.

17 So you've heard from many of our members here
18 today and many other environmental justice residents and
19 advocates. And I just want to say that I hope, you know,
20 that you understand that the passion and emotion that
21 you're witnessing is -- you know, is very real, right, and
22 it's really because, you know, our communities, which tend
23 to be low income communities and communities of color,
24 have been, you know, disproportionately affected, right,
25 and are suffering from really severe health problems

1 related to air pollution, you know, including things like
2 asthma and cancer, and a very long list of things that,
3 you know, I think we're all aware of.

4 I want to say that, you know, many of us have
5 been working at the air district level. You know, many of
6 our member organizations, many of the local organizations
7 here that you've heard from today have been working at the
8 local air district level for many, many years, and, you
9 know, that's really varied widely, and I think had mixed
10 results.

11 And, you know, in many cases, air districts have
12 not taken the necessary actions that we need, you know, to
13 reduce emissions and protect our communities. And so this
14 is where, you know, there's a real opportunity here for
15 you all at the Air Resources Board at the State level,
16 right? We really need your help. This is where you can
17 provide that strong statewide guidance and leadership, and
18 the oversight over air districts to really help
19 communities, you know, in our fight for clean air.

20 So you can do this by setting clear baseline
21 requirement for all community emission reduction programs
22 to meet and exceed. And these should include things like
23 no emissions increases, guaranteeing -- you know, ensuring
24 that -- and requiring that emissions reductions be above
25 and beyond what is already required by existing rules and

1 regs.

2 And community emission reduction plans should be
3 consistent with the priorities that have been identified
4 by communities, you know, through outreach and engagement
5 processes with residents.

6 So we would really like to see these, you know,
7 clearly stated as minimum requirements for the community
8 emission reduction programs to help us hold, you know, air
9 districts accountable and to work together on this
10 collaboratively.

11 I want to comment on community steering
12 committees. I think that's been talked about a lot. And,
13 you know, we are supportive of the idea. I just want to
14 say that, you know, we are skeptical, because in some ways
15 it, you know, kind of kicks it back to the air district
16 level, which, you know, I think as we pointed out, hasn't
17 always worked well, you know, in the past.

18 And so one thing that could really help that is
19 to actually clarify there that, you know, a super majority
20 or at least a majority of community steering committee
21 members should be residents who actually live, you know,
22 in the impacted community.

23 And I don't think there's anything unreasonable
24 about that, right? We're basically saying that community
25 members should have the ability to engage in and decide,

1 you know, the things that will most impact them.

2 Thank you.

3 CHAIR NICHOLS: Thank you very much, and for all
4 of your help in the development of this program.

5 Okay. Genevieve Gale. There you are.

6 MS. GALE: Hello. Genevieve Gale with the
7 Central Valley Air Quality Coalition. Thank you, staff,
8 for developing this robust program in such a short period
9 of time. And thank you for choosing Fresno. It is the
10 most disadvantaged community according to CalEnviroScreen.
11 So, in a sense, it was an easy pick.

12 As Kevin described, the proposed selection of the
13 city is very large and diverse. At the top end, we have
14 the Tower District, which is a rather affluent community.
15 It does not have any industrial sources of pollution or
16 heavy mobile sources. And it is -- and it has
17 representation on city council. We have a city council
18 member.

19 In the middle of the selection, we have downtown
20 Fresno, where the City officials work. And so in a sense,
21 it is the seat of local government, the seat of local
22 power. And then to south, we have the communities of
23 Calwa and Malaga. These communities are largely minority
24 low-income communities surrounded by distribution
25 warehouses, highways, and land designated for heavy

1 industrial use. So when we speak of EJ, we -- these are
2 true EJ communities.

3 And as county islands, they have little to no
4 representation at the city council. So my question to the
5 Board is how do we get this right? We have a selected
6 area, which is basically a microcosm of the city,
7 includes, you know, the affluent, the powerful, and also
8 the marginalized.

9 So how do we get it right? Like I said, it
10 ranges in socioeconomic racial and geographic diversity,
11 all with varying levels of political capital. So how do
12 we ensure -- I know there's a lot of talk about the
13 community steering committees. How do we ensure that
14 those don't recreate the existing power structures that
15 have led to the realities we have today?

16 Or in other words, how do we ensure those
17 marginalized by the status quo don't continue to be
18 marginalized on the steering committee. There's been lots
19 of ideas presented today, such as not allowing industry
20 representatives that don't live in the community to be on
21 the committee, or having a super majority of residents, or
22 just not going business as usual.

23 San Joaquin Valley Environmental Justice Steering
24 Committee has presented suggestions for ways to improve
25 language around the steering committee. And the first

1 statement -- you should have it in front of you -- is a
2 goal statement -- a should statement, which is the final
3 steering committee memberships should accurately reflect
4 the racial, economic, and geographic makeup of the
5 selected community, and must include meaningful
6 representation of residents from environmental justice
7 communities.

8 I think we all hoped that this would be the case,
9 but I think it really helps to spell it out. So how would
10 we achieve this goal?

11 We're advocating for an open and transparent
12 nomination process, whereby interested parties can be
13 nominated to be on the committee, and then those who
14 showed interest would be listed on a public webpage. So
15 there's transparency -- and I'll end there, but...

16 (Laughter.)

17 MS. GALE: Thank you.

18 CHAIR NICHOLS: Thank you.

19 Time goes quickly.

20 Randal Friedman.

21 MS. FRIEDMAN: Good afternoon. Randal Friedman,
22 Navy Region Southwest.

23 The Navy looks forward to working with the broad
24 range of stakeholders as the communities identified in
25 this recommendation begin implementing AB 617. One point

1 I'd like to make you, it's not -- is to not limit your
2 consideration to traditional items, but recognize
3 cross-media issues.

4 For example, we operate three hazardous waste
5 facility in metro San Diego. And among other things they
6 treat the bilge water remove from our ships to remove most
7 of the contaminants. The resulting wastewater is suited
8 for disposal into the industrial wastewater system. These
9 facilities eliminate the need for around 100 trucks per
10 week that would pass through Barrio Logan.

11 We need a permit from DTSC to operate this
12 facility, and these permits are increasingly difficult to
13 maintain. In fact, there are some that would like these
14 permitted facilities to go away. We ask that in the
15 broader consideration of impacts you recognize that
16 sometimes a facility such as our hazardous waste treatment
17 facilities are providing a significant environmental
18 community benefit. Our experience is these benefits are
19 not recognized.

20 This is but one example of how we work to
21 minimize our impacts and we look forward to working with
22 you, the air districts, and the community.

23 Thank you.

24 CHAIR NICHOLS: Thank you.

25 Ms. Sanders. No. Sorry, Mr. Magavern.

1 MR. MAGAVERN: Thank you. Bill Magavern with the
2 Coalition for Clean Air. Board members, it's good to see
3 all of you up on your new dais. And Board Member
4 Takvorian, it's particularly good to see you back up
5 there.

6 Today is a spare-the-air day in Sacramento.
7 We've had many -- we had many over the summer, and now
8 it's not even summer and we're still having them. I know
9 that the air is much worse in the South Coast and in the
10 San Joaquin Valley. And then when we look below that
11 regional level, we know that there are many communities
12 that are particularly overburdened by air pollution, and
13 that is the problem that led to the passage of AB 617.

14 This law is not about a competition among
15 communities. And it's certainly not about a competition
16 for money. It really should be about, as the Chair
17 observed this morning, cleaning up the air for all of
18 those overburdened communities.

19 And incentive dollars are certainly an important
20 piece of that solution, but there are other important
21 pieces, which are mentioned in the staff report. We need
22 to have tougher regulatory standards, stiffer enforcement,
23 and smarter land-use planning.

24 And some of the specific measures that we think
25 should be adopted the most quickly are the best available

1 retrofit control technology, including the rapid phase-out
2 of reclaim in the South Coast, and including the
3 accelerated timetable for refineries in the Bay Area that
4 Supervisor Gioia spoke about this morning.

5 Also, when you look at the communities, you see
6 that many of them are overburdened with freight pollution.
7 And so we also want to prioritize those measures that are
8 already cued up, but we think could probably go quicker
9 and be more ambitious for cleaning up the freight sector.

10 In addition, when it comes to stationary sources,
11 we're eager to see the new standards for chrome plating,
12 for refineries, and for cement plants.

13 We support the priority recommendations made by
14 CEJA for metrics, and oversight, and going above and
15 beyond existing standards, and also support the
16 recommendations from CVAQ on the makeup, and composition,
17 and choosing of the steering committees.

18 Also, there is a separate regulation and
19 development under this law on the reporting of criteria
20 and toxic emissions. And you'll be coming at -- you'll be
21 seeing that coming up separately, but I do want to urge
22 Board members to start to pay attention to that, because
23 we think it's an important process, and there's some
24 serious decisions that have to be made in the context of
25 that rulemaking.

1 So finally, I believe that the success of this
2 law will be measured by actual emission reductions, and by
3 improvement in the health outcomes that are associated
4 with those emissions.

5 Thank you.

6 CHAIR NICHOLS: Thank you.

7 Ivanka Sanders.

8 MS. SANDERS: Hello. My name is Ivanka Sanders.
9 I work as a policy coordinator with Leadership Counsel for
10 Justice and Accountability in our Fresno office.

11 Thank you to everyone on this Board who is
12 patiently and earnestly listening to all of us from
13 communities all across California. Thank you, CARB staff
14 for your efforts and dedication to creating a blueprint
15 for 617, and for trying to get it right by listening and
16 including ideas and suggestions from the community
17 residents and environmental justice organizations.

18 Yet, we still have many challenges ahead of us.
19 And I say us, because we're all in this together, one
20 other, one human.

21 In regards to the steering committee --
22 committees, there is still a lack of decision-making
23 authority for this community. The blueprint does include
24 language that allows the steering committee to provide
25 input and to be present at quarterly meetings. However,

1 the committee does not have meaningful decision-making
2 authority equal to that of the air district when it is
3 time to approve or deny the community emission reduction
4 program.

5 As it is written now, the blueprint will allow
6 the air district to approve the community reductions
7 program without the steering committee's approval, and
8 before it comes to the CARB for final approval. We want
9 the committee to have decision-making authority for both
10 the deployment of the air monitors and the reduction
11 program.

12 This minute detail in the blueprint language, if
13 it's not fixed, will allow the air districts to continue
14 to be pulled by industry, and power, and greed, and
15 continue to deny what the communities need for improved
16 air quality.

17 Also, the steering committee meetings should be
18 open to the public. The materials and agenda for the
19 meetings need to be posted on a dedicated website, and
20 should allow for broader engagement. This could be
21 accomplished with the support of technical assistance and
22 guidance by the CARB staff and oversight, which will allow
23 for a more transparent process.

24 I know that one thing that I would like to add is
25 that a lot of times I think industry and districts are

1 like, well, that's the disadvantaged community. They're
2 ignorant. They don't know, and all they know is how they
3 feel. So this is an actual opportunity for CARB staff to
4 support technical assistance in a broader range of ideas.

5 Support by financially putting money in people's
6 pockets to be educated in this field from the minority
7 communities who already have the experience of living it,
8 so that they can actually have the expertise same as those
9 that are in the industry and the air district.

10 There's a lot of variety of ways if we just open
11 up to being human versus greed that we can really use our
12 imagination to go further than we are right now.

13 Thank you.

14 CHAIR NICHOLS: Thank you.

15 THE INTERPRETER: And the interpreter will
16 conduct a side translation of Ms. Ramirez's testimony.

17 Thank you.

18 MS. RAMIREZ(through interpreter): Good
19 afternoon. My name is Manuela Ramirez. I am a member of
20 the community of the eastside of the Coachella Valley. It
21 is very hard to hear the damage, the great damage that is
22 happening due to the pollution. We live in an area that
23 is greatly contaminated with different types of chemicals,
24 as well as rural areas -- areas, and agricultural fields.
25 We live breathing every type of pesticide, as well as

1 developing all sorts of illnesses, such as asthma,
2 respiratory problems and even cancer.

3 We're not here to request anything material.
4 Please keep in mind that we need help to mitigate a little
5 bit of all of these problems, in order to have a better
6 quality of life, so our children will have a better
7 future. We're here for human life, for our children, for
8 our adults, our students, and all our disadvantaged
9 communities.

10 Thank you.

11 CHAIR NICHOLS: Thank you.

12 MS. SOSA(through interpreter): Good afternoon.
13 My name Josefina Sosa. And I come from the Leadership
14 Counsel. I come from the north shore in Salton Lake. And
15 I come here just to talk about the very huge pestilence,
16 very bad odor that comes from there, as well as the
17 incredible amount of pollution. I actually photos in my
18 phone from the pollution. You can see it very clearly,
19 and it also causes a lot of illnesses in our community.

20 I have -- I also want to say that I worked for
21 seven years for a company that have very bad regulation
22 about pesticides, and it was constantly spraying
23 pesticides. So once I was in the field working and all of
24 a sudden I felt really, really sick and I fainted on the
25 field. They had to take me to the hospital. The end

1 result is my lungs were affected, and I got very sick.

2 And what did the company do? They fired me. It
3 was really very sad to know that we don't have anybody to
4 protect us. I don't know if this is because we are Latino
5 or why is that, but I have a great sadness in my heart
6 knowing that I gave seven years of my life to this
7 company, and they didn't do anything for my. They didn't
8 protect me.

9 I really want you to do a stronger regulation for
10 these companies, because I don't want to see anybody as
11 ill as I was.

12 Thank you very much.

13 CHAIR NICHOLS: Thank you.

14 MS. BAUTISTA(through interpreter): Good
15 afternoon. My name is Mario Bautista. I belong to the
16 same organization from the colleagues who are right behind
17 me. I will be brief and I will be direct.

18 I would like to invite you to the lake of Salton
19 Sea this coming summer so you can see for yourselves. We
20 cannot sit by the shore because of so much contamination
21 killing the fish, birds, besides this pesticides from the
22 agricultural fields. This is so damaging. It is why I
23 invite you to come in person, sit by the lake, see for
24 yourselves what is happening in the Coachella Valley.

25 Thank you much for your attention. Have a great

1 day.

2 MS. ZARAGOZA: Good afternoon. My name is
3 Rebecca Zaragoza. I am a policy advocate with the
4 Leadership Counsel for Justice and Accountability. And I
5 am based in the Eastern Coachella Valley.

6 First off, I'd like to thank the staff members at
7 CARB and AQMD for taking the time to meet with us and the
8 community residents in the Eastern Coachella Valley on
9 more than one occasion, including Ms. Karen Magliano, Ms.
10 Veronica Eady, Mr. Richard Corey, Trish Johnson, and also
11 for the opportunity to be able to speak Mr. Hector De La
12 and as well as Eduardo Garcia.

13 We've had various conversations regarding the
14 selection process that South Coast followed, as well as
15 what other avenues we can begin to explore in order to
16 mitigate the poor air quality in the Eastern Coachella
17 Valley. The Eastern Coachella Valley is a rural and
18 agricultural region made up of four unincorporated
19 communities, as well as the City of Coachella.

20 It's often overlooked, because of the wealth that
21 exists in the western part of the Coachella Valley. It's
22 weighed against larger urban and denser communities, which
23 has historically overshadowed the conditions of this
24 region.

25 In the Eastern Coachella Valley, schools, homes,

1 community amenities are surrounded by open desert and
2 agricultural fields. And these communities are also
3 located within close proximity to the Salton Sea. As
4 you've just heard from the residents of the Eastern
5 Coachella Valley, there are major health conditions in
6 this region. Kids experience heavy nose bleeds, senior
7 citizens are affected by respiratory illnesses, and
8 cancer, there's a high rate of residents with asthma, and
9 farmworkers deal with allergic reactions to pesticides on
10 a daily basis.

11 Although, it may be perceived that these specific
12 health impacts are not as severe in more urban and
13 industrial communities, we need to stop comparing
14 communities or inherently creating a competitive process
15 for these communities to finally see change in their
16 neighborhoods and in their health.

17 In addition, based on the 10 communities that
18 were selected, we feel that there was not an equitable
19 consideration of rural and agricultural communities. And
20 with that comes the issue of pesticides and the disregard
21 of pesticide use as a severe pollutant.

22 Now, I understand some of the difficulties that
23 CARB and other -- and the air districts went through in
24 selecting communities, but we need to start looking
25 closely at communities, and their specific needs,

1 developing real solutions for strong emissions reductions
2 throughout the entire state, and we need to do so in a way
3 that doesn't allow politics to interfere with the health
4 and safety of people's lives.

5 Finally, it's also clear that due to the lack of
6 investment by both CARB and AQMD in the Eastern Coachella
7 Valley, there's a great need to strengthen data collection
8 opportunities in this region. And as such, we ask that
9 the Board select the Eastern Coachella Valley for air
10 monitoring plans in year one, as well as an emission
11 reduction plan.

12 In addition, we are prepared to further
13 collaborate with CARB and South Coast to implement
14 different types of projects in health cities that will
15 begin to address the health impacts and concerns brought
16 up by community residents as proposed in several other
17 meetings.

18 I really hope that you deeply consider the
19 comments you hear today from community members and
20 organizations and environmental justice communities,
21 because all of them bring such valuable local knowledge
22 that's been ignored and has been greatly lacking
23 throughout this entire process.

24 Thank you.

25 CHAIR NICHOLS: Thanks.

1 MS. LOPEZ(through interpreter): Good afternoon.
2 My name is a Violeta Lopez. I come from the Leadership
3 Counsel of the north shore of Coachella. We are an
4 unincorporated region that is located by the side of the
5 Salton Sea lake. This is the lake, the largest lake in
6 California and also the one that is causing the biggest
7 problems in the health of our community, not only to our
8 community, but also to the surrounding communities and
9 even the cities that are farther have farther away.

10 This pollution affects also like Palm Springs and
11 even possibly beyond to L.A. The reason for that is that
12 it's drying out and it's very polluted due to the
13 pesticides that have been dropped on the -- on the Salton
14 Sea. And it's also surrounded by agricultural fields,
15 where pesticides and other pollutants are still used, even
16 though they are not lawful.

17 Almost all the communities surrounding Salton Sea
18 has very, very grave health issues, such as asthma,
19 cancer, and others. Our children are suffering from nose
20 bleeds. Our senior citizens are also using oxygen and
21 have a lot of health issues due to the terrible air
22 quality in Salton Sea.

23 Many families are leaving the area so they can
24 prolong and improve the quality of life. We beg you to
25 include our region, or our city in your first year

1 recommendation -- recommended cities, so we won't suffer
2 any longer. We are suffering because we are seeing our
3 children getting sick. The whole communities around
4 Salton Sea are in your hands. We need our kids to be able
5 to enjoy their childhood in the park that has been
6 recently open in next -- oh, next month is going to be
7 inaugurated this park, and they want their kids to enjoy
8 their childhood there.

9 So they can study and be good citizens that will
10 work in our Coachella Valley, and they won't just be
11 another stat, increasing the number of patients that
12 suffer -- that suffer grave chronic illnesses, and that
13 are in hospitals.

14 I ask for your help so our kids can achieve their
15 biggest dreams, and our lake will be beautiful again, and
16 it won't be surrounded by ghost towns.

17 Thank you.

18 CHAIR NICHOLS: Thank you.

19 MS. MAY: I think I'm next.

20 CHAIR NICHOLS: Hi. Julia May. Yeah.

21 MS. MAY: Thank you. Julia May, senior Scientist
22 for Communities for a Better Environment representing
23 southeast L.A., Wilmington, East Oakland, and Richmond
24 with pollution sources ranging from multiple oil
25 refineries, heavy oil drilling literally feet away from

1 people's windows, major ports, constant flow of heavy
2 diesel trucking, an industrial-sized crematorium, meat
3 rendering, Exide battery contamination, metal processing,
4 expanding 710 and other freeways and much more.

5 Thanks much to the Board and your staff for
6 helping our members testify who had to leave early. Much
7 appreciated. And thanks to the staff for working that
8 out.

9 We acknowledge the intensive workload dropped
10 onto CARB and the districts to carry out 617. But you've
11 heard eloquently from so many communities of color today
12 about the harsh oppressive pollution impacts. Despite our
13 skepticism we're trying hard to take part and make 617
14 work for our communities. So we were very unhappy that
15 Richmond was listed as monitoring only. Communities found
16 that as a slap in the face, but we do appreciate
17 Supervisor Gioia adding commitments to adopt a PM2.5 rule
18 for refinery cat crackers in the Bay Area, which Richmond
19 folks have been fighting for for years now. But this
20 needs to be made real and soon.

21 So let's talk about Southeast L.A., which was
22 left out from receiving a plan, despite having the highest
23 PM2.5 measurements in the South Coast MATES monitoring,
24 multiple freeways and stationary sources, Exide
25 contamination over 97 percent people of color, highest

1 percentile in CalEnviroScreen for disproportionate
2 impacts.

3 CARB cut South East L.A. out after the South
4 Coast Board adopted it to be in. And so in addition to
5 Richmond, East Oakland, East Coachella and so many others,
6 Southeast L.A. also needs a commitment for real emission
7 reductions, and needs a cumulative impact Emission
8 Reduction Plan.

9 Three of our many South East L.A. members had
10 planned to attend today, but had a transportation
11 breakdown and missed their plane. I'm relaying for Hugo
12 Lujan[phonetic], Bertolino Chevaq[phonetic], and Gabriel
13 Guerrero[phonetic] who would have been here representing
14 so many others from southeast L.A. that they thought they
15 had a plan. They thought they were in for an emission
16 reduction plan, and then it was out for no transparent
17 reason. People were very disappointed. This is the heart
18 of the red zone in L.A. for CalEnviroScreen. And they
19 thought it was taken care of. There was community
20 nominations, and then suddenly it was gone from the final
21 proposal.

22 So we still ask for commitments to make sure that
23 it's Southeast L.A. and these others. I also have to say
24 that we need you to address the grandfathering of sources
25 at oil refineries in the South Coast, even though

1 Wilmington is getting a plan. There's rubber stamping
2 without BARCT on refinery expansions We need to stop the
3 expansions, stop the emissions increases, and we need a
4 plan -- obviously, need a plan for a decommissioning of
5 refineries over time.

6 And thank you again.

7 MR. BROWN: Good afternoon, Chair Nichols and
8 members. My name is Bob Brown. I represent the Western
9 States Petroleum Association in the Bay Area. And I want
10 to just go back to an exchange between Supervisor Gioia
11 and Jack Broadbent earlier about the accelerated BARCT
12 schedule.

13 The Bay Area Air District has been engaged in
14 presentations and conversations about this, and
15 understanding that the schedule must be adopted by January
16 1st 2019. There are six rule development projects in the
17 rulemaking process, five of which impact refineries. So
18 given that that's already on an accelerated timeline, I
19 just want clarification if what -- Supervisor Gioia, what
20 you were saying earlier about putting it into the adopting
21 resolution, if that's an acceleration of the acceleration?

22 BOARD MEMBER GIOIA: Yes, it's an acceleration of
23 the acceleration, but it's not an acceleration of the
24 process to develop a rule. So if a rule takes normally X
25 months to develop, that's the normal time. It just would

1 start in early 2019, so that the rule reaches some
2 conclusion before the original date, in that plan. So the
3 rule would get developed -- the commencement of the
4 process to start the rulemaking process would be earlier.
5 So it is an acceleration of the acceleration.

6 MR. BROWN: Of the start process, but the
7 rulemaking process overall with the public deliberation
8 would --

9 BOARD MEMBER GIOIA: I mean, you're right, as you
10 know there's CEQA and --

11 MR. BROWN: Yeah.

12 BOARD MEMBER GIOIA: -- all the other
13 requirements. So the rule will occur with the same public
14 process. It will just start earlier and finish earlier.

15 MR. BROWN: Thank you for the clarification.

16 MR. SHAW: Thank you, Madam Chair and members of
17 the Air Board here. Michael Shaw, California
18 Manufacturers and Technology Association. I want to start
19 off by saying I speak on behalf of a group of
20 organizations statewide and regional organizations that
21 represent the broad spectrum of California. There's 69
22 groups in total. I also want to thank the staff for the
23 work that was put into developing this blueprint. Having
24 been a part of the discussion regarding AB 617, it was
25 certainly an ambitious goal to set before the Board here

1 and the staff in particular, but we appreciate the work
2 that has gone into that. And the scope and the timing of
3 it is certainly something that could be daunting.

4 We support the efforts of AB 617. In fact, the
5 CMTA did support AB 617 as a part of the deal to extend
6 the cap-and-trade process as well. We believe that it's
7 important that as you look to implementing this program
8 that you build on existing successful air quality
9 programs, something that this Board has been very
10 aggressive and progressive, and you would say, in doing
11 so.

12 There are two critical components that I wanted
13 to address here today that are reflected in our letter.
14 Many other points represented there as well.

15 First off, with the community -- or the emissions
16 reduction plans, we believe it's important that the
17 community air monitoring program go first to identify the
18 source -- proper source attribution. We believe that it
19 is premature to go ahead with emissions reductions plans,
20 when the monitoring has not been done. That was the
21 spirit behind AB 617 in developing that process. And so
22 we would encourage this Board, as well as the air
23 districts in implementing that program to make sure that
24 they are identifying the appropriate sources and not just
25 working off of past data to identify that. That was the

1 intent behind that.

2 Additionally, the community selection process we
3 believe demands greater transparency. There certainly
4 seems to be criticism of the process on both sides from
5 industry as well as communities on how that went -- how
6 that is going forward. So I think it would be best from
7 the Board's perspective, as well as the air districts in
8 the communities certainly that there be greater
9 transparency in that process.

10 And then finally, wanted to address one
11 particular point that's been raised a couple of times
12 during the discussion, and that's whether or not industry
13 has any participation in the community steering
14 committees.

15 It's been said that it should be residents only,
16 or at least super majority of community residents. Many
17 of our members, you know, small to large manufacturers,
18 are in -- agricultural to commercial facilities are --
19 live in those communities, they work in those communities,
20 they create jobs in those communities. And we believe
21 that it's appropriate and important that we be a part of
22 those community steering committees as well.

23 In addition to that, AB 617 actually requires
24 that affected sources be included in the consultation in
25 developing the community emissions reductions plans. So

1 it would be inappropriate to exclude those participants
2 from the process as well.

3 Thank you.

4 MR. HOANG: Good after, everyone. My name is
5 Tido Hoang. I'm a small business owner, tax accountant,
6 financial advisor. But I didn't come here as a business
7 person. I come here as the President of the Vietnamese
8 American Community of Sacramento, also the Little Saigon
9 designation here on Stockton Boulevard in Sacramento. I
10 appreciate you guys for spending most of your day here
11 listening to everyone of us speak. I hope that you can
12 bear for one more presentation.

13 I assure you tonight there's going to be some
14 good television programming on the Fox and CNN.

15 (Laughter.)

16 MR. HOANG: Look forward to that.

17 (Laughter.)

18 MR. HOANG: But as many of you -- and I was
19 watching that all day, and thank you Jose for inviting me
20 here today. A lot of us as business people and family
21 folks, you know, we're busy, you know, constantly with
22 things and life. But when we got the Little Saigon
23 designation approved 10 years ago, a lot of us realized
24 the community is often underserved and oftentimes
25 neglected.

1 And as you drove on the freeway here, you driving
2 on 99, you saw the Little Saigon welcome here. Many of
3 you have seen that. Well, it's funny how a lot of people
4 don't this Little Saigon exists. And that's how we got
5 the business designation approved, because for the last 40
6 years, the community has been overlooked. You know, 45
7 years as Vietnamese refugees and immigrants, the
8 communities is quite diverse, made up of at least 12
9 different languages and ethnic groups, the Latino, the
10 Chinese, the Vietnamese, Hmong that call that place home.

11 And when we did the presentation in front of the
12 city hall and county board of supervisors, the Urban Land
13 Institute mentioned that this is one of the most
14 underserved communities, least educated in terms of
15 degrees. Population per capita was one of the lowest.

16 We felt the need to promote the area. That was
17 11 years ago. And I dare to tell to you that Urban Land
18 Institute has better statistic about the as well. So when
19 you talk about the new propositions and grants and plans,
20 include the community as part of your conversation, not
21 necessarily just the decision-making table, but a
22 conversation to allow our voices and concerns.

23 When you talk about Little Saigon, we're talking
24 about an area that's literally closed to corridor of
25 199 -- Freeway 99 with many, many industrial facilities,

1 with big rigs and trucks that drive through the area. I
2 don't think a lot have acknowledged that. When is the
3 last time we sat there and talked about how is your
4 quality of life now that, you know, the business has
5 gotten better, your -- you have a better place to raise a
6 family, but yet environmental justice is not there.

7 Why? Because we're not apart of the
8 conversation. And I just want to show, you know, a sense
9 of unity and spirit of collaboration with all of the
10 community leaders out here. You guys took the time and
11 drove all the way up here to present yourself. I hope
12 this is not just about talk. It is really about action.
13 Include us in the conversation.

14 Thank you for your time.

15 CHAIR NICHOLS: Thank you very much.

16 Are you -- is anybody else trying to come down to
17 speak at this moment, because you were the last witness?

18 Okay. Great.

19 We have completed our list of witnesses. And
20 therefore I am going to close the record on this agenda
21 item. But I think before the Board proceeds to discussion
22 and there's going to be a lot of it, it would be good to
23 take a break. So I'm going to recommend another 10 minute
24 break for whatever purposes people need. I also am told
25 that there is a little resources fair going on outside on

1 the mezzanine with information that you might want to take
2 a look at that closes at 4:00.

3 So if anybody is interested in going to check out
4 some of the information out there on air pollution
5 control, we would welcome you doing that. And we'll see
6 you back here hopefully in 10 minutes, but by no later
7 than 3:30.

8 Thank you.

9 (Off record: 3:15 p.m.)

10 (Thereupon a recess was taken.)

11 (On record: 3:31 p.m.)

12 CHAIR NICHOLS: Okay. We're ready to resume.

13 I'm beginning to like this gavel. I'm beginning
14 to really like this gavel. I may take it with me
15 everywhere I go.

16 All right. We heard a lot of testimony today,
17 but in the break I was trying to see if there was a way we
18 could group it into several areas for discussion,
19 especially because we have two resolutions to vote on.

20 And so here's my suggestion, which is that we
21 take the resolution for community selection first, and we
22 discuss the question of are these the right communities,
23 are there enough communities. And are we ready to move
24 forward with the community selection.

25 And then we move to the program requirements and

1 talk about a number of the suggestions that we heard about
2 community advisory boards, and changing of boundaries, and
3 I know there were other issues that were raised as well.
4 But if the Board members are willing to follow that
5 process, I would propose that I ask people if they wish to
6 speak on the question of the proposal to include the 10
7 communities that are listed in the appendix to the
8 resolution.

9 I will say I was happy. I didn't hear anybody
10 saying any of those communities should be kicked out, so
11 that was a good -- that was a good start.

12 But obviously there are strong reasons why there
13 are groups that feel that their community should be
14 included in the original 10, and others why we shouldn't
15 be expanding the list at this point.

16 Maybe again if people will indulge me on this, we
17 should have a brief recap of why the communities were --
18 that were chosen were chosen. And in particular, I did
19 hear one person saying that their community had never
20 really received any information about why they were not
21 chosen. I don't know whether that's true or not, but
22 if -- but if it is, I would hope that we could do
23 something to communicate with everybody who applied.

24 OCAP DIVISION CHIEF MAGLIANO: So I'll jump in
25 and start on this.

1 CHAIR NICHOLS: Okay

2 OCAP DIVISION CHIEF MAGLIANO: So, you know, as
3 Monique talked about in the presentation, you know, we
4 started with hundreds of very deserving communities. And
5 we tried to work through a multi-step process to then go
6 from there to the 10 that we're recommending to you today.
7 Part of that was working with the air districts, so that
8 they could go out and work with the communities themselves
9 in their local area due to the outreach have those
10 discussions, but also for the air districts to be able to
11 bring in their local knowledge about what's already going
12 on, and where they thought that we had that strongest
13 foundation to get it right in this first year of the
14 program.

15 So we asked the air districts after that outreach
16 to provide recommendations to us overall. And even with
17 that, you know, that exceeded the 10 that we're
18 recommending to you today. So we needed to look at
19 additional factors or considerations on how do we come to
20 that best set that we launched this program. And so
21 that's why we really started looking at a couple of
22 different things.

23 One, as we've talked about, wanting these
24 communities to serve as sort of those models or platforms
25 that we can then use to drive broader strategies for other

1 communities themselves.

2 And so what also went into that is making sure
3 that we had a really good diverse set of different kinds
4 of sources and pollution impacts, both urban and rural
5 communities, ones that were different sizes as well, and
6 then also in different air districts across the state.

7 The other factor that we also looked at closely,
8 which is going back to, you know, wanting to be successful
9 this year, because that's really how we then make sure
10 that the communities that come in the next round as we
11 continue to growth the program will also be able to, you
12 know, be successful going forward.

13 And that did go back to, you know, where did we
14 see that we had the information to be able to go into an
15 emissions reduction program now. That we had that solid
16 technical foundation itself, as well as that capacity to
17 continue working with those communities.

18 But as we've talked about a lot, at the same
19 time, we know the program is about much more than just
20 these initial 10 communities. And so that is really
21 looking at the actions that we've talked about today in
22 terms of regs and incentives, that will continue to
23 benefit those communities. But also the investments that
24 will continue to work with many of these other communities
25 that have taken the time to come out today, so that

1 they're going to see benefits now, but they'll also be
2 ready to launch into emission reduction programs in
3 subsequent years.

4 CHAIR NICHOLS: What do you make of the requests
5 that we heard from several areas to expand the boundaries?
6 I'm sure you must have dealt with these boundary drawing
7 issues, because these communities are of different sizes
8 obviously. They're not all one size or shape.

9 OCAP DIVISION CHIEF MAGLIANO: So we did
10 anticipate that it might be appropriate in some cases to
11 modify boundaries as go into starting to form the
12 community steering committees, and working with community
13 members. So what we've actually laid out both in the
14 blueprint and in our community recommendations, that these
15 would be preliminary boundaries that the Board itself
16 would approve.

17 But we've explicitly included within the
18 blueprint that as the air districts convene those steering
19 committees, that they would work with the steering
20 committees themselves to see if -- boundary changes, and
21 coming up with final boundaries for those communities.
22 And that would be one of the very first steps in this
23 process.

24 CHAIR NICHOLS: Um-hmm. So you would anticipate
25 that that will happen after the steering committee gets

1 formed and they start working?

2 OCAP DIVISION CHIEF MAGLIANO: Right, exactly.

3 But we also looked at informing the steering
4 committees that there would be an initial public meeting.
5 And that's another opportunity then to sort of help inform
6 are there additional neighborhoods and boundary changes
7 that would be appropriate in putting together the steering
8 committee itself.

9 CHAIR NICHOLS: Right. Okay. I'm going to turn
10 to the rest of the Board and start down at this end to see
11 if people have comments or questions at this point.

12 Mr. Garcia.

13 ASSEMBLY MEMBER GARCIA: Well, if you're starting
14 with me, thank you. Appreciate the opportunity to share
15 some thoughts.

16 I'll begin by really acknowledging the work of
17 Mr. Corey and the entire team. If I start mentioning
18 names and then I'll miss someone, and someone will get
19 their feelings hurt, but all of you --

20 (Laughter.)

21 ASSEMBLY MEMBER GARCIA: -- who have worked on
22 this tirelessly in such a very short period of time, have
23 put together, what I think, is a good start for us to
24 begin addressing what, in some people's eyes, would be a
25 very ambitious program. And then in others, and I think

1 it's reflected in the comments that were made today,
2 something that we should have been doing a long time go in
3 partnership with our local air districts.

4 Whatever perspective you bring, we are here. I
5 want to say that, you know, it's important also to
6 recognize the leadership of some of my colleagues in the
7 legislature. And Cristina Garcia, by far, was one of the
8 individuals who led this charge. And I want to just
9 acknowledge her work to making sure that we -- when we
10 were talking about the extension of cap and trade, and we
11 talked about what was important to communities that have
12 not seen the investments, that have not seen the emission
13 reduction, and for that matter, the aggressive attacking
14 of air quality pollutants being addressed, this is what
15 came forward. And so I'm very honored that I was able to
16 work with her and the rest of my colleagues there.

17 You know, I had -- I came up here with out a
18 doubt as, you know, someone who worked on this
19 legislation, and certainly with no expectation that
20 because of that my entire district would be included on
21 the list.

22 (Laughter.)

23 ASSEMBLY MEMBER GARCIA: And I mean that
24 sincerely.

25 Obviously, people have to put their best foot

1 forward in making sure that we can compete with the other
2 parts of the state. But, you know, we come from a place
3 where -- and I think you've heard this quite clearly from
4 the many constituents who have traveled all the way from
5 Eastern Coachella Valley, that, you know, the lack of
6 investment in the region, as it relates to this subject
7 matter, really puts us at a disadvantage to be able to
8 demonstrate data that would be reflective of what's going
9 on out there and perhaps position us in a competitive
10 manner to be able to have been possibly included in the
11 10.

12 And so I came a bit discontented with the idea
13 that the area with -- that lies in the geographic location
14 of one of the largest potentially ecological environmental
15 catastrophes, which is the drying up of the Salton Sea and
16 the impact to public health, would not have made the list.

17 And so I had very basic questions for Mr. Corey.
18 And one, and I know we've gone over the criteria just now
19 again, of how we selected the 10. But, I mean, I'd be
20 remiss if I didn't ask and if I didn't push a bit. Why
21 not include three or four more regions. And maybe that
22 would be the first question to you, Mr. Corey, and/or
23 anyone on your team.

24 And I've got two other questions that I think are
25 just as easy as that first one.

1 (Laughter.)

2 EXECUTIVE OFFICER COREY: All right, Assembly
3 Member. Let me -- let me give this a shot. And it really
4 goes to really two key points. One overall point was that
5 what came through loud and clear in 617 was the need for
6 real reductions in communities, and a successful program,
7 a successful program we can build on.

8 And by doing that and going through the process,
9 we looked at what could be accomplished within extremely
10 tight deadlines. The monitoring in about six months from
11 now, the Community Reduction Plans, in about a year from
12 now, all predicated on effective public process. As we
13 looked at that, looking at the need to be successful, and
14 the need for model communities, and the need to do it with
15 the resources that were appropriate legislatively, that's
16 really what informed the number.

17 But what also was clear to us, and I think came
18 through in the presentation was those communities that
19 weren't called out this first year, there are actions. In
20 fact, you specifically referred to Coachella, which is a
21 number of community assistance grants under 617 were
22 awarded in that community. Very important. And very
23 recently, FARMER, the ag incentive dollars. A number of
24 those dollars are going into the community as well.

25 Recognizing that's not enough, but it's a

1 recognition of real actions taking place today to deliver
2 reductions, deliver enhanced monitoring, and really
3 position that community for consideration in the near
4 term. So that's the way we looked at it.

5 ASSEMBLY MEMBER GARCIA: Thank you for that
6 response. And I think it was made clear, right, by both
7 the local air districts and the presentation that we're
8 not overlooking many of the communities that stepped
9 forward today and said, hey, what about us, right? We're
10 not saying -- you're going to have to wait another year
11 before we get back to the drawing board and select another
12 five communities, 10 communities, whatever that number may
13 be.

14 And so I can appreciate that message being made
15 loud and clear, because as was said in the testimony,
16 whether if you're in Eastern Coachella Valley or East Los
17 Angeles or other parts of the state, there are some
18 pending matters that are truly impacting the public health
19 and well-being.

20 We, as of the last six months, have been hearing
21 and the reports of just random nose bleeds for young
22 people in the north shore areas adjacent to the Salton
23 Sea. And, you know, that's concerning, and we don't know
24 exactly what that is attributed to, but we -- we have a
25 general sense. If you live out there, if you were born

1 out there, you have a general sense of what that may be
2 attributed to, but we don't have the actual data to stand
3 by it and say and here's the source of the problem. And
4 so I appreciate that answer.

5 You know, the other is more of a comment. You
6 know, AB 617 wasn't meant to be the ceiling. And it isn't
7 meant to be, you know, the end-all fix-all. It's an
8 assertive effort to go into communities. I think during
9 the debate in the legislature it was looking at
10 communities, the hot spots. You know, these areas that
11 require that much more attention by the locals and working
12 with the air districts to develop these community action
13 plans.

14 You all here at ARB have demonstrated a
15 commitment and a willingness to work with our locals.
16 You've been out there not just once, not just twice, but a
17 number of times. And that's extremely important to
18 demonstrating the commitment that you've outlined, not
19 only in the response to my first question, but moving
20 forward with this program.

21 I want to -- I want to just also just mention
22 that, you know, this isn't about -- and I think someone
23 referred it as the Olympics to the disadvantaged
24 communities gold trophy, right? What community is more
25 polluted than the other? And therefore, we're in a

1 conversation where if we're only selecting 10, then let me
2 take this community out and let me put this one in, right?

3 I mean, I think if Dr. Arambula from Fresno was
4 here and he heard me say, well, you know, Fresno should be
5 out, and we put Coachella, he'd say wait a minute,
6 time-out, right?

7 And so, you know, unfortunately though because of
8 the historic lack of attention and investment, when
9 communities like ours see an opportunity to begin
10 addressing these challenges, we get into that competitive
11 circumstance and almost get pitted against each other for
12 the resources that are there.

13 I think we've heard quite clearly that this is
14 going to require greater investment on the part of the
15 legislature. And here's a plug for Eduardo. That's why
16 you've got to keep Eduardo in the legislature --

17 (Laughter.)

18 ASSEMBLY MEMBER GARCIA: -- and make sure that we
19 keep funding these programs. But more importantly, in all
20 seriousness, I think there is a strong commitment from
21 everyone who supported this program to make sure that it's
22 funded. There were -- there were approximately 15 to 20
23 legislators that lobbied to make sure that we got this
24 two-year funding.

25 And it wasn't an easy task, but we got that

1 included in the budget. And I believe that that is
2 beginning of, you know, seeing a precedent of the level of
3 funding, and hopefully that someone like myself and others
4 who are signing up to push this agenda will see an
5 equitable distribution across the State of California.

6 It looks like we have our 10 communities that
7 we're going to focus on. It is going to be hopefully
8 something that we continue to see evolve in a way where we
9 start seeing best practices, and we immediately, through
10 other programs and investments that we're making, begin to
11 make some real changes and improvements of air the quality
12 in these parts of the state.

13 We have a lot of people, and I just want to close
14 with a couple of comments in Spanish. We had a lot of
15 people that came from our district that made their way
16 here, because it's that important. Not because they got a
17 grant and they said, hey, you get to take a trip to
18 Sacramento. Some of these folks missed work. Some of
19 these folks really live and breathe these problems.

20 I was in north shore on Saturday meeting with
21 families there till about 7:00 o'clock talking about how
22 do we get to this list? How do we get on this list of 10
23 communities? And if we don't get on this list of 10
24 communities, how do we get the support that we need to
25 prepare ourselves to be part of one of these communities

1 moving forward?

2 (There upon Assembly Member Garcia
3 spoke in Spanish.)

4 ASSEMBLY MEMBER GARCIA: So I just wanted to say
5 thank you to the folks that came from the Eastern
6 Coachella Valley and Imperial Valley, and of course,
7 everyone else from throughout the State that's here
8 advocating on behalf of their community, right?

9 I guess it's not surprising that I would be
10 trying to push to get my entire community included into
11 this list, but I understand that we have a responsibility
12 to the entire state of California, but that we also today
13 have made some commitments as a agency, as the local
14 district to move the agenda forward in these communities
15 that continue to feel disenfranchised, disconnected, and
16 more than anything just that we're not wholeheartedly
17 addressing their issues.

18 And I just reinforced to them that you said that
19 we are -- that you said that we are, and that we're going
20 to do this collectively, even though we're not one of the
21 10 communities. So good work to you, Mr. Corey, and the
22 entire team at the Air Resources Board for bringing us to
23 this point.

24 Thank you

25 CHAIR NICHOLS: Thank you. Okay. I'm just going

1 to go down the line here. So if you have a comment at
2 this moment. You don't have to, but if you do, this is
3 your chance.

4 BOARD MEMBER MITCHELL: I'll just comment very
5 briefly, that -- thank you staff for all your work on
6 this. This was many months of community meetings. And I
7 think staff did a good job in choosing the communities we
8 have geographical diversity, which is very important. And
9 this is the first year of the program, so we want to be
10 successful in implementing it.

11 One of the key things for all the air districts
12 is the resources. We recognize that we will need intense
13 resources to carry out this program. And so looking
14 toward that and success in the first years of the program
15 is critical.

16 I want to mention too that 617 is just one of a
17 suite of programs that we all work on. There are other
18 funding sources and other kinds of programs, so that if a
19 community wasn't chosen, for this year for this program,
20 it doesn't mean that they're going to be ignored.

21 I know our South Coast District is working in a
22 number of other communities, certainly in Coachella, and
23 will continue doing that work.

24 And also, it's important that these communities,
25 the first 10 that are chosen, then can serve as a model

1 for how the program moves forward in the next few years.
2 And as Assemblyman Garcia mentioned, financial funding is
3 actually absolutely necessary. I mean, we have good
4 funding for two years, but 617 doesn't sunset. And if we
5 want it to move on, and we get other communities and work
6 along these lines, we will need funding each year. So
7 we're looking to our legislature to help us with that.

8 CHAIR NICHOLS: Thank you.

9 Dr. Sherriffs.

10 BOARD MEMBER SHERRIFFS: Thank you. I'm here to
11 advocate for the entire San Joaquin Valley being one of
12 the 10 chosen communities.

13 No, no, no.

14 (Laughter.)

15 BOARD MEMBER SHERRIFFS: You know, we're -- we're
16 gerrymandering, right? And we gerrymander for a purpose.
17 And our purpose in this gerrymandering is to succeed. And
18 what's our challenge? We want the communities in question
19 to be heard, and to help prioritize their concerns. And
20 then, yeah, we want measurable real improvements,
21 neighborhood air quality.

22 We're going to have a later discussion about the
23 steering committee. And I think the steering committee is
24 much more important than the boundaries of these things.
25 I think a good steering committee, regardless of the

1 boundaries, is -- can do a great job. And the best
2 boundaries in the world aren't going to be very helpful if
3 we don't have great steering committees.

4 But that said, we have heard some testimony about
5 potentially adjusting boundaries. And I've heard the
6 comment that, well, the steering committee could change
7 them. Well, but the makeup of the steering committee
8 depends on the boundaries. So I'm not sure how we have
9 boundaries, a steering committee, and then the boundaries
10 may have changed who -- where the people are coming from
11 appropriately.

12 So I don't want to belabor or it, because I think
13 it's better. This is -- this is great, and we could
14 probably argue or discuss for the next five years about
15 the fine points of the boundary. And I know my valley in
16 ways I don't know West Oakland, or Richmond, or other
17 places.

18 But in my mind, I can think of some changes that
19 were suggested that would be enhancements. And I don't
20 know if, as there's been this discussion, that is there
21 some flexibility for the chosen communities that if when
22 people go home, and they're discussing, the people have
23 been identified as involved and stakeholders, if you will,
24 to this point, come back to Richard Corey or whoever with
25 the Air Board and says, you know, we'd like to adjust our

1 boundaries. We're all in agreement. And we think we are
2 more likely to succeed in what we're trying to do if we
3 make these adjustment, include this community or whatever,
4 whether that's a possibility or not.

5 But I don't want to spend too much time on that,
6 because again, I don't think it's critical as some other
7 things we'll be discussing.

8 DEPUTY EXECUTIVE OFFICER KAPEROS: Dr.
9 Sherriffs, if I could just briefly. We did, as we were
10 thinking about the responsibilities of the steering
11 committee conclude ultimately that the steering committee
12 would be a better fit, a better place to think about what
13 the boundaries of their community looked like. They
14 knew -- they know who their neighbors are, and that is why
15 we -- rather than deferring and giving up that
16 responsibility, we thought actually the best place to make
17 that decision was with the steering committees.

18 I actually also think that a refinement of the
19 boundaries is an easier problem to solve, at least in
20 terms of how you pull together the right stakeholders. As
21 Ms. Magliano spoke just a moment ago, the first step that
22 we've laid out in the steering committee is a public
23 meeting. And that can be a broader invitation to the
24 general area of the communities that we identify -- that
25 you identified today. It does not have to be someone that

1 is on the right side of the street, given where there's an
2 arbitrary line on the -- on a map.

3 I think it's very easy for the air districts to
4 commission an earlier -- a broader first meeting about the
5 participation in the steering committee and the
6 boundaries.

7 BOARD MEMBER SHERRIFFS: So we all understand,
8 boundaries might be changed by the steering committee to
9 some degree and that we're comfortable with that.

10 Okay. Great.

11 And I just want to also recognize how brave these
12 10 communities are. I mean, this is pioneering. And, you
13 know, pioneers they don't know what's down the road. So
14 it's -- it's great and it's great that there are many more
15 who are wanting to step up in this. And that is
16 important, because this is not a one-off. We want it to
17 work, because we want to learn, and we want it to be a
18 better process as we continue through the iterations.

19 CHAIR NICHOLS: Okay.

20 BOARD MEMBER DE LA TORRE: Thank you. I want to
21 kind of start where Dr. Sherriffs ended there. This is
22 historic to have localized targeted efforts of us working
23 in conjunction with the air districts is completely
24 historic. We normally look at things at this scale, or
25 this scale, or the whole state. We're looking at things

1 at a very small scale, all of the communities that you all
2 have spoken about today. It is a great milestone, I
3 think, for the State of California.

4 With regard to the 10 areas, a couple of points.
5 Number one, a few months ago, speaking right here, I said
6 that there's going to be a list of 10, but we're probably
7 only going to be able to afford to do about three or four,
8 and we'll get to the rest as we go along. And then the
9 legislature did an incredible job of ratcheting that up
10 giving us the money to actually do 10.

11 We -- a few months ago, we didn't know we were
12 going to be able to do that. We were -- we had a list of
13 10 in mind, but we just didn't think we were going to have
14 the money to do it. In fact, I saw -- I was over in the
15 building, and I saw the initial proposal. And the money
16 was just the same amount as last year, which wouldn't have
17 been enough to do what we're about to do. So we are
18 already playing with House money, so to speak, House and
19 Senate money. We're in really -- in really good shape in
20 being able to do the 10.

21 Now, to the question of East Coachella Valley and
22 Southeast L.A. Those are -- seem to be the two that have
23 really been strong in speaking up today. I live in
24 Southeast L.A. I live in the district that would be
25 number 11, or 12, or number 10 if we bump somebody else.

1 And I didn't like that. When I heard it
2 recently, I didn't like it. I thought we were going to do
3 the 10 worst. And we were going to attack the 10 worst.
4 But in talking with staff, they described their approach,
5 like they did just today, which is we need this 10 to be
6 representative of what's going on in the state of
7 California. We need this 10 to have rural impacts, and
8 goods movement impacts, and refinery impacts, and other
9 large-scale industrial impacts. We need to have, what I
10 call, a sampler of what is in California. What is
11 emitting, what is causing this pollution?

12 Because if we did all 10, and they were all goods
13 movement corridors, what would we learn from that? We'd
14 learn a lot about goods movement corridors, but we
15 wouldn't learn a lot about refineries, heavy industrial,
16 rural, et cetera, et cetera, et cetera.

17 So I have grudgingly come to accept that the
18 southeast is not going to be one of the 10, even though
19 that's my community. That's the district I represented in
20 the legislature. That's the place I live in today. I
21 understand the reasoning. I have to set aside my
22 parochial interest, because I'm here, we all are, to
23 represent the people of California.

24 And so -- but that's not the end of the story.
25 There are two, I think, extenuating circumstances that

1 everybody needs to understand. Number one, as we're
2 rolling these out in the 10, and we identify something
3 that really works in the 10, so -- and I'm not going to
4 pick on any one of the 10. But let's say we find an
5 enforcement action that's really yielding results, let's
6 say we find a new technology that's really yielding
7 results, let's say we find one of the air districts comes
8 up with some regs that are really yielding results.

9 Well, guess what, that becomes the new normal.
10 That becomes the standard for that source of emissions,
11 and we carry that over. We don't have to wait till we get
12 to number 11 or 15 or 22. The minute we have something
13 that's working and is yielding results, we commit to
14 taking that to the other places that have that same
15 source.

16 That's on us. And so we are going to be watching
17 all 10 obviously, and we're going to be looking out for
18 these game changers as we go along. I strongly believe
19 we're going to have that. And the minute it happens, I'll
20 be right here on this mic saying we've got to do that.
21 We've got to -- we've got to take it statewide. That's
22 number one

23 Number two, as we're making progress in the 10,
24 and we're showing results, maybe -- and I'm again not
25 going to name names, I'll just use a number. Number 7 on

1 the list is really making progress. It's really cleaning
2 up its act. We're showing emissions reductions that are
3 really impressive in that area. Well, that one goes on a
4 maintenance plan, and then we move on to number 11 on the
5 list.

6 And then number three starts showing progress.
7 We put them on maintenance plan and we go to number 12,
8 and we just keep making our way down the list, until we
9 get to all of the hot spots in the State of California.
10 So we don't have to wait for this exercise again of having
11 to fine 10 new ones, or 15 new ones, or whatever the
12 number is, we can just keep rolling through.

13 And obviously, it will be in conjunction with the
14 air districts, and we'll figure all of that out. But what
15 I'm saying is this isn't kind of a finite process. It's
16 going to be evolving. We've never done this before.
17 It's -- these are -- these 10 locations are the
18 prototypes. We're going to learn things. We're going to
19 do whatever we can do. And whatever we can spill over,
20 we're going to do that. And then we're going to be
21 monitoring regularly.

22 I know in my conversations with Richard Corey
23 that, you know, we're going to have an update here in the
24 next few months on where things stand. So that's on the
25 10.

1 There were -- there were some requests -- in some
2 of my meetings with some of the environmental justice
3 folks, there were some requests there about oversight. I
4 just mentioned the updates that we're going to get. So we
5 are going to have regular updates. We're going to know
6 what's going on with each of these 10, and with the air
7 districts. And we will have those updates. And again, we
8 have to approve the plans, so we're going to be seeing a
9 lot, much like we do with SB 375, where that stuff comes
10 back to us. We vote on it. If it's not up to par, then
11 we punt it back, and, you know, get it tweaked and then --
12 and then it comes back to us.

13 So we're going to be monitoring, we're going to
14 be watching, we're going to be partnering in such a way
15 that we get the results we need out of each of these.

16 Another issue that was raised was the issue of
17 metrics. We need to set a standard. I think Richard just
18 mentioned the standard of reductions. We're going to have
19 some kind of broad standard where we see progress. That's
20 the whole point of this exercise. So we will make sure we
21 have something in the language that's clear, that we're
22 going to have improvements in these areas.

23 We're not interested in kind of muddling along.
24 Again, this is historic. We're trying to get to -- the
25 reason we have these small hot spots is that we can

1 localize the improvements in those -- in those places.
2 And so that's our goal. That's the point of why we're
3 doing this.

4 And so when we do, you will know about it. We'll
5 know about it. You better believe we're going to be
6 praising it when it happens, because it's going to be a
7 real great day for -- for this Board to be able to show
8 that kind of a result in those communities that you all
9 have mentioned today.

10 The next one is the health standard. And I've
11 said this to the environmental --

12 CHAIR NICHOLS: Excuse me, Hector, I think your
13 comments are kind of veering over into the second area of
14 discussion. That we were just going to focus on the
15 selection of the 10. Am I --

16 BOARD MEMBER DE LA TORRE: Okay. Then I'll stop.

17 CHAIR NICHOLS: If that's okay? You'll get
18 another chance.

19 BOARD MEMBER DE LA TORRE: All right. Thank you.

20 CHAIR NICHOLS: Okay. Thank you.

21 BOARD MEMBER DE LA TORRE: I'm hitting that roll.
22 (Laughter.)

23 CHAIR NICHOLS: I know. I know. You're on a
24 roll there, but then I would have to call on everybody
25 else again.

1 Okay. All right. Hold the roll.

2 BOARD MEMBER BALMES: Yeah, because otherwise I
3 wanted to speak in follow up.

4 CHAIR NICHOLS: Yeah, yeah, and then who knows.

5 BOARD MEMBER GIOIA: Well, I -- we appreciate,
6 Madam Chair, that you -- this -- that's the focus, because
7 then I won't talk about the blueprint and other items.

8 CHAIR NICHOLS: Correct.

9 BOARD MEMBER GIOIA: So I'm focusing on the
10 community selection. Okay.

11 CHAIR NICHOLS: That's -- just focusing on the
12 resolution that selects the 10.

13 BOARD MEMBER GIOIA: Right. Okay.

14 So I'll just make then two comments. One is I do
15 think, because this is relevant to the selection, is those
16 three communities that are monitoring communities should
17 be entitled to become emissions reduction communities
18 after the completion of the monitoring when the evidence
19 shows that.

20 I think if we go into this with this expectation
21 that, well, it's uncertain whether a monitoring community
22 is going to turn into and emissions reductions community.
23 I know we need to collect the evidence, but I think they
24 should be -- they should sort of be clearly -- a clear
25 priority for those communities that when the monitoring is

1 done, they move into - both by the local air district and
2 the Air Resources Board - an emissions reduction
3 community.

4 Otherwise, we're breaking trust with the
5 community that -- many comments. I hear it in my own
6 community in Richmond, we've been studied to death. We
7 want action.

8 And so we need to make that -- make that pact or
9 make that promise. And I think we heard a lot of passion
10 and emotion today, because people in communities that are
11 highly impacted wanted action yesterday. And, yes, this
12 is historic. I do think there will need to be continual
13 oversight by the Air Resources Board, by the community
14 keeping fire under local air districts and us. And
15 frankly, you know, the diligent work of local air
16 districts is going to need to really continue and ramp up.

17 There is -- there's a trust issue. And so we're
18 going to have to follow through with action from this
19 grand plan that we have. I'm optimistic. I'm hopeful.
20 I'm optimistic that this is going to result in real
21 tangible reductions in communities, but this is not going
22 to be easy.

23 We are where we are, because of land-use
24 decisions, maybe past decisions of local air districts.
25 Many things have gotten us to this place. And it's going

1 to take time to do this in a way that is substantive and
2 meaningful. And the timeline that the community gives us
3 is this has to be done right away and that's the goal. So
4 monitoring communities becoming emissions reductions
5 communities.

6 And the second point I'll make, and I'll just put
7 it out there, because it's -- since I mentioned it earlier
8 with regard to Richmond. So the language I would suggest
9 with -- to sort of address the early action on stationary
10 source, a refinery action, because Richmond is a
11 monitoring community - so this is relevant to that issue -
12 would be something to the effect of resolved that the
13 Board -- the Air Resources Board strongly supports the Bay
14 Area Air Quality Management District's plan to accelerate
15 adoption of refinery BARCT, best available retrofit
16 control technology, rules to reduce emissions in fenceline
17 communities. And in parenthesis, that's rule 6-5, which
18 is the -- deals with FCCU units, rule 8-5 dealing with
19 storage of organic liquids or storage tanks, and rule 8-8,
20 which is refinery wastewater systems, closed parenthesis.
21 So to reduce emissions in fence line communities with rule
22 development to start in the first quarter of 2019, and a
23 completion goal for all rules by December to 2020.

24 So I don't -- that's the language that I would
25 like to have included in the resolution on the selection

1 of communities. And then I'll withhold my comments on the
2 blueprint to that resolution.

3 CHAIR NICHOLS: I think we can treat that as a --
4 as an amendment, and I'll second it, and --

5 BOARD MEMBER GIOIA: And -- yes. Okay.

6 CHAIR NICHOLS: Yeah, okay.

7 Ms. Berg.

8 VICE CHAIR BERG: Thank you very much.

9 I just want to echo what my fellow Board members
10 have said. We knew this was going to be difficult. We
11 knew when we started and we had a goal, after looking at
12 all of our resources and looking at the potential funding,
13 that the maximum would be 10.

14 And honestly, sitting up here and hearing the
15 communities that we were not able to select, it's
16 heartbreaking, because we know you're hurting, and we know
17 that it's difficult. I'd like to echo the comments that
18 this doesn't mean that everything stops for the
19 communities that have not been selected. I think we have
20 made a commitment from the very beginning. Staff has done
21 a great job to say that we are going to look for ways
22 specifically for best practices, for areas where there is
23 commonality.

24 And it is truly incumbent on us. And I really
25 appreciate, Hector, for you pointing that out, and the

1 other fellow Board members saying that.

2 I also want to thank Assembly Member Garcia,
3 because you created an avenue, sir, that allowed us to
4 look at this differently. And I've been on the Board for
5 14 years, I've heard many times these communities come
6 before us, and looking at things in a silo, in a
7 particular vein. You really created an avenue for us to
8 break this open differently. And I know for the
9 communities that have been out there and living this for
10 decades, that it does feel that it's a little late, but
11 thank goodness we have it today.

12 And I do believe, I have to believe, that we
13 truly can make a difference. And will it happen in a
14 year? No. But will it happen in our lifetime? I sure
15 hope so, because I have lived and worked in a EJ community
16 all of my life.

17 And I've lived in an EJ community for a period of
18 time. And as I said, my daughter lives in an EJ
19 community. And I know the heartbreak of those people, and
20 I want to truly make a difference. And so I am going to
21 support the 10 communities, but I'm also going to keep an
22 eye. And whatever I can do to help on those others, I am
23 willing to commit that.

24 Staff, you've had a year. It is remarkable. And
25 I just want to thank each and every one of you. You've

1 done an incredible job, and keep it up.

2 CHAIR NICHOLS: Okay. Continuing on down the
3 line here.

4 BOARD MEMBER ROBERTS: Well, thank you.

5 The problem with so many people that have spoken
6 is that it starts to narrow. But let me -- and I largely
7 agree with what I've heard.

8 Hector's points I think were very close to what I
9 was thinking, that as I talked to staff I -- first of all,
10 I thought the areas were well selected to give us a
11 variety of things, which really if you look at these as
12 pilot programs, and see what we can learn in each area
13 with the hope that you can develop something that's
14 applicable to others areas, if there's other pots of money
15 there, we don't have to wait. We don't have to have a
16 list have one to 10, and then 11, 12, and 13.

17 There's additional monies that if we get a good
18 solution, you know, it may be area number 23, but we
19 shot -- we should -- if we find something -- if there's
20 some area that's come up with something, A, they've got a
21 plan and they're getting results, we ought to feel -- we
22 need to apply that as quickly as possible in other areas.

23 Unfortunately, this isn't -- this isn't one pot
24 of money. There's different sources of money that can be
25 used in different ways. And I think that's -- I think

1 that's very, very positive.

2 It's going to be incumbent upon each of these
3 area though to establish those outcomes. And they're
4 probably going to need some professional help. The air
5 districts are going to have to be very involved, so that
6 you can say, okay, here's what we want to achieve. Why
7 don't we measure it and see if we're achieving that, how
8 do we really have some analysis here. I think the
9 professional analysis is going to be extremely important.
10 I really like I -- and I -- I'm fully in agreement, staff
11 has done a terrific job here.

12 These committees have to be as inclusionary as
13 possible. The community groups, the business groups, the
14 individuals that are active in these communities need to
15 have a chance to participate. They're going to be working
16 very closely with the air boards. We want -- what we
17 really want to do is bring people together, so we can get
18 planning done. And I don't think we can do it effectively
19 if we're excluding people from that process.

20 So I hope that, you know, that's the spirit in
21 which we -- we make all of this happen. But I think
22 there's an opportunity here. I wasn't quite sure of the
23 language of the motion that was talked about that -- but
24 it sounded -- it sounded pretty good that I guess we start
25 rulemaking in January, of next --

1 VICE CHAIR BERG: It's only -- it's only for
2 the --

3 CHAIR NICHOLS: Oh, only for that the specific
4 one.

5 VICE CHAIR BERG: Yes, yes.

6 BOARD MEMBER ROBERTS: Okay. I was going to say
7 I didn't -- I wasn't sure that everybody was on that path,
8 but I thought, well, let's start as relative, and so
9 maybe -- okay. I feel better then about that. Thank you
10 for that clarification.

11 Kudos to staff. And, Richard, you can give them
12 all a pat on the back later.

13 (Laughter.)

14 CHAIR NICHOLS: Okay. Ms. Takvorian.

15 BOARD MEMBER TAKVORIAN: Thank you.

16 So I just want to say that I feel like this
17 hearing has really been extraordinary, and the outpouring
18 of concern, the sharing of people's experiences and
19 expertise, particularly from community members, who are
20 obviously the most impacted. I think that hearing the
21 heartbreaking stories of people's illnesses and deaths to
22 the testimony from this fantastic young woman whose name I
23 forget, who -- you know, she knows way more about
24 hazardous waste and toxics than anybody at her age should
25 know.

1 So I think that this is a demonstration, which I
2 know we all have seen before, but not quite in this way of
3 how serious this problem is across the State of
4 California. And I want to thank the legislature and you,
5 Assembly Member Garcia particularly, for bringing this
6 forward. And while we've all said numerous times that
7 this is not the perfect program or the perfect piece of
8 legislation, I think we're all striving hard for it to be
9 the program that really addresses the issues that are so
10 important to environmental justice communities.

11 So thanks to everyone who built this program from
12 the legislature, the community here that's here today, and
13 particularly to the CARB staff. I mean, we wouldn't have
14 this outpouring if you hadn't done such an amazing job in
15 community outreach in getting out there to the many, many
16 meetings that you did, the one-on-ones, the phone calls,
17 everything that happened in order for this -- for this
18 outpouring to come today.

19 I mean, this -- you know, I'm an organizer by
20 training, so this doesn't happen just organically. I know
21 that people really care and that you helped them to care
22 about this, and to provide this opportunity for them to
23 express the concerns that they have. So I think people
24 really felt like this was the place they could come to do
25 that.

1 So the downside of that is that the need is
2 great, and that we can't address all -- all of the needs.
3 So I've been sitting here struggling listening to the
4 obvious importance of many, many of the communities that
5 are not on the list, and how we could actually figure out
6 how to -- how to address those needs. And, you know, at
7 the end of the day, it's not that many communities frankly
8 that came forward who said we really want to be part of
9 this program and we feel left out.

10 And while I appreciate the generosity of Mr. De
11 La Torre and Mr. Garcia in terms of your own communities.
12 I'm wondering if there's a way that we can look at the
13 communities that -- I understand that we have the 10
14 communities that will go forward today, but I also feel
15 like it's important for us to recognize that the many of
16 the communities that have come forward have said -- are
17 the ones that I think we would say will come in the next
18 round.

19 And so I'd like to ask staff if we could work on
20 a way to issue a list of those communities that would be
21 high ranking or next in line for the second round. And I
22 think it's important that all of these communities not be
23 asked to go back to square one. I mean, they're clearly
24 not at square one. They've been here. They've been
25 articulate about their needs. And they've submitted good

1 applications, and I think it's important that they get to
2 start at a different square. And I don't know which
3 number that is, but I think it's not one. And that those
4 applications be considered, and that perhaps they be given
5 the opportunity to update them, but that they don't have
6 to start all over again, and that we recognize the
7 importance of those communities that have come forward, if
8 we can't include them.

9 And I also -- I also support Dr. Sherriff's
10 concept that where there adjacent communities, and I don't
11 know -- I don't know the valley obviously like you do.
12 But if those are adjacent communities, that would -- where
13 it would be really wrong not to include them, because the
14 programs really need to reach out to adjacent communities,
15 and I'd say -- you know, I hope the steering committees
16 can -- could take that on.

17 So that would be my suggestion. I don't know if
18 anyone wants to respond to that, or if I can -- not make
19 that as a motion, but make it as a suggestion that we move
20 that forward for the second year. And it kind of goes
21 with Mr. De La Torre's thought that there's a list that
22 we're moving through. And I don't know if that's a way
23 that we can do it, because the way I read it was we had to
24 have a second round, so...

25 CHAIR NICHOLS: Maybe I could just add on to that

1 thought. I totally agree with you that people shouldn't
2 have to go to a whole new process, because we open up
3 another new set of communities. That would be really
4 unfair and counterproductive. I'm not sure how long a
5 list we ought to have of those in waiting, you know, is it
6 five, or 10, or 20, or whatever, and how we would rank
7 them at this point, because we haven't really done enough
8 work on that.

9 But at a minimum, I would suggest that we -- and
10 I sort of hinted at this before that we develop a
11 communication with every community that completed the
12 process of self-nomination, and give them some strong
13 suggestions about how to get into the program, you know,
14 as soon as we are able to expand it, and also then
15 suggests the ways in which we would work with them in the
16 interim. If that -- if that's acceptable, that would be
17 really in the form of guidance or direction from the Board
18 to the staff about what to do next. Is that -- does that
19 seem reasonable?

20 VICE CHAIR BERG: And can I just jump in and say
21 also including our partners, the districts in that?

22 CHAIR NICHOLS: Yes. Yes.

23 VICE CHAIR BERG: Because since they're located
24 in the various districts -- and so that would just be my
25 add on.

1 BOARD MEMBER TAKVORIAN: Well, in many cases,
2 it's their applications, and that's part -- I meant their
3 applications and the community applications. Yeah.

4 CHAIR NICHOLS: Right.

5 EXECUTIVE OFFICER COREY: I'm just going to
6 concur with that direction both the follow up with the
7 districts, the follow up with the communities, and
8 reflecting this deliberation, which was clearly
9 identifying, I'm going to say, a subset. They clearly
10 were recognized and there needs to be some additional
11 follow up with them. And I think the expectation of
12 they're on that short list, so yes.

13 BOARD MEMBER TAKVORIAN: Okay. Thank you.

14 So then my second request would be to follow up
15 on Supervisor Gioia's thought that for those communities
16 that are selected for monitoring only, that I'd like to
17 recommend that following: That these communities are
18 required to develop an emissions reduction program by the
19 second year deadline, which is January of 2021.

20 And these communities will be provided with the
21 resources needed to complete their data sets and develop
22 the emission reduction program in the second year. And I
23 wanted to make that explicit and ask that it be
24 incorporated into -- I don't know if it's the resolution
25 or into the guidelines, because we're hearing --

1 communities have been more than patient. And we need a
2 guarantee. We need a promise that the monitoring is
3 leading to or is adjacent to the emission reduction
4 programs. We know a lot in these communities about how to
5 relieve some of the suffering. And I just would hate to
6 be here in a year or in two years and say, well, gee, we
7 still don't have enough information.

8 We know enough about how to move forward with
9 emissions reductions, at least in some sectors, in every
10 community that's on this list, otherwise they wouldn't be
11 on the list. So that would be my motion, I think, to move
12 that forward. And I think the right place actually is not
13 in the motion, in the motion made right now, but it's in
14 the guidelines.

15 CHAIR NICHOLS: No, it should be in the guidance.
16 Yeah, it should be in the guidelines. If we can defer
17 that for a moment.

18 BOARD MEMBER TAKVORIAN: Thank you.

19 CHAIR NICHOLS: Okay. Great.

20 Dr. Sperling.

21 BOARD MEMBER SPERLING: Ditto to all the great
22 things that everyone has said, and how important this is.

23 Thank you.

24 CHAIR NICHOLS: Okay. Dr. Balmes.

25 BOARD MEMBER BALMES: I'll save most of my

1 comments for the second item. Just to say that I strongly
2 support the restriction to 10 communities. I'm pleased
3 that Vice Chair Berg voiced her heartbreak over the fact
4 that we can't do more communities, because I feel exactly
5 that -- that way. I felt that way before we started
6 today. And hearing all the testimony from community
7 members, you know, just brought it out more.

8 But I want this program to succeed. I very much
9 want this program to succeed, and I think we have -- we
10 can't bite off more than we can chew. So I think 10
11 communities, as hard as that is to pick those, is the
12 right way to start.

13 It's a heavy lift that we're asking. The
14 districts to implement, as everybody has said, is going to
15 require a lot of guidance on our part. And so we -- I
16 really think we should stick with the 10.

17 And I also am pleased that Ms. Takvorian went
18 before me, because, you know, she basically said a lot of
19 what I was wanting to say.

20 So thank you.

21 CHAIR NICHOLS: Okay.

22 BOARD MEMBER FLOREZ: Thank you. I disagree with
23 Diane on every point that she just made.

24 (Laughter.)

25 BOARD MEMBER FLOREZ: No, very happy to have you

1 back.

2 (Laughter.)

3 BOARD MEMBER FLOREZ: Very happy to have you
4 back. Welcome, by the way.

5 Just a few things. Maybe on the -- you know,
6 where to begin, but let me just throw some words out that
7 stuck in my mind: Oversight, check-ins, refinements,
8 accountability, and future investment.

9 And let me just start with future investment, and
10 I'll just hit this one point. I think the reason that we
11 are struggling obviously as a steering committee is the
12 real core of this. So getting the steering committee
13 correct, getting participation right. But I will give you
14 my preference. My preference would be to have a majority
15 of those who are health affected, those environmental
16 justice groups be the majority. I am not in support of
17 having two to two, one to one industry to health
18 participation on the steering committee. I would like to
19 see it to be the majority of those who are affected have,
20 in some sense, a larger say in this particular process.

21 So that's just me, but I would say that we should
22 err on that side. Not saying that people should be
23 excluded, but I think the majority should be, clearly most
24 of the folks that we heard today. And I know the air
25 districts are, you know, giving them -- my guess is

1 they'll end up that way anyway, knowing our air districts
2 and just looking at Wayne nod his head somewhat.

3 (Laughter.)

4 BOARD MEMBER FLOREZ: So I -- you know, I think
5 that in some -- in some way we should try to figure that
6 out. That's just one of the things I think we should be
7 looking at.

8 The other -- the last point is investment. So I
9 think we're also struggling with how many communities? We
10 started with 10. We ended with 10. I think that's a good
11 appropriate place to start. I'm happy that I've heard
12 from Karen that our -- there are preliminary boundaries to
13 be kind of look at by the steering committee. I think
14 it's a great place to start, and I think gets to people to
15 work very quickly on what are those right areas. So I
16 think that's the right thing.

17 I would say that for this whole plan to work, we
18 really need kind of an appendix C for this program. You
19 know, we need about an \$800 million 30-month evaluation to
20 make this thing work truly. And so I would say that
21 assemblyman, and the new Governor of the State of
22 California have varying priorities.

23 Finding that money seems difficult. I
24 congratulate the Assemblyman for finding the money for
25 this particular program. But I would say whoever the next

1 Governor is really needs to look critically at what are
2 our priorities in the state of California. No slight to a
3 \$500 million allocation to high-speed rail.

4 (Laughter.)

5 BOARD MEMBER FLOREZ: But if you could think
6 about that particular investment Assemblyman and for the
7 next Governor, whether or not that is truly an EJ project,
8 or whether or not this is truly an EJ project. Priorities
9 change, Governors change, funding changes, and I would say
10 that this is a severely underfunded program in order to
11 make this work.

12 So I hope that the legislature and the next
13 Governor look critically and think about this as a billion
14 dollar to \$800 million investment over the next 10 years,
15 just as we -- Volkswagen looked at California in the EV
16 sector.

17 I think that's really what's going to make this
18 work. That is out of the purview of the ARB, but I think
19 we're going to look at these first 10 and get some very
20 good learning experiences. And since it is the first, we
21 will make mistakes. It will be tough, but I do think
22 clearly the funding is the key driver here. So I would
23 only say that in, I don't know, 90 days or so we'll have a
24 new Governor. We'll have a new set of priorities. And I
25 think the -- everything should be on the table and

1 particularly this program for significant funding should
2 be on the list as well.

3 CHAIR NICHOLS: I am going to ask that we move
4 this forward by taking up the resolution. The -- I've
5 forgotten the number. It's -- I know it's in my packet
6 here. I'm trying to make my way through it, but it's
7 37 -- 18-37 on the communities. And ask that we --

8 BOARD MEMBER DE LA TORRE: So moved.

9 BOARD MEMBER BALMES: Second.

10 CHAIR NICHOLS: Second. All right.

11 All in favor of that with the amendment proposed
12 by Mr. Gioia and the understanding and direction given by
13 Ms. Takvorian and the Board, I would ask for a voice vote.

14 All in favor say aye?

15 (Unanimous aye vote.)

16 CHAIR NICHOLS: Opposed?

17 Nobody is abstaining.

18 Okay. So we're done with that.

19 Now, let us move to the guidance issue, the
20 directions for the program. A number of you made comments
21 which are -- that should just be incorporated into the
22 discussion on that item. But if there are additional
23 areas?

24 Mr. Gioia.

25 BOARD MEMBER GIOIA: Sure. So let me just focus

1 on a few areas. I'll try to be succinct. One on the
2 makeup of the steering committee, I do believe that we
3 need to think about whether we need to provide a bit more
4 guidance in the blueprint on the selection to ensure the
5 community focus. And one of the things I've heard, there
6 may be differing approaches by air districts. Let me give
7 you an example.

8 If an air district chooses to appoint the members
9 to this committee, I think they're starting off on the
10 wrong foot, because then it's a question of the air
11 district picking who the community is. And I'm concerned
12 that that will lead to a lack of trust, even if it's good
13 people, a lack of trust in the process.

14 In the Bay Area, we're going about it in a
15 different way. We're looking at bringing together the
16 stakeholders and community groups within the Richmond
17 area, and putting a community summit together, where what
18 comes out of that summit with the help of a facilitator
19 and a -- is a community process to select the community
20 members. So -- and we're still developing that. This is
21 new.

22 So I'm just giving you an example of approaches
23 along a continuum. I think the approach of an air
24 district selecting is fraught with problems. And so we
25 need to think about that issue as well.

1 And I agree with the idea that this should
2 overwhelmingly, predominantly be community members. So
3 I'm open to hearing more thoughts about how guidance is
4 provided.

5 Second, there was some comment about open to the
6 public. You know, our meetings at the local -- at the
7 local air districts are subject to the local Brown Act.
8 Our meetings here are the Bagley-Keene Act. So I think we
9 should consider -- and I don't -- didn't see this in the
10 document, that these steering committees should be subject
11 to open meeting laws with agendas and materials, so that
12 it's an open public meeting and there's not a concern
13 about the process. So I don't know if that had been
14 thought about.

15 I would suggest look -- taking a look at that
16 issue. In fact, has it? I'll just ask Ellen, was
17 there -- I didn't see anything that specifically addressed
18 that in the documents. Maybe there was, but I could have
19 missed it. Can you --

20 ASSISTANT CHIEF COUNSEL SEGALL: Yes. Thank you,
21 Supervisor. There is in the document in appendix C, which
22 discusses it in detail

23 BOARD MEMBER GIOIA: It's in C. Okay.

24 ASSISTANT CHIEF COUNSEL SEGALL: And we added a
25 note saying that those steering committee meetings must

1 comply with open meeting laws as appropriate. So it would
2 be Bagley-Keene or Brown Act.

3 ASSISTANT CHIEF COUNSEL SEGALL: That would
4 primarily be Brown Act --

5 BOARD MEMBER GIOIA: Because it's local --

6 ASSISTANT CHIEF COUNSEL SEGALL: Right.

7 BOARD MEMBER GIOIA: -- set in the local air
8 districts.

9 ASSISTANT CHIEF COUNSEL SEGALL: We aren't making
10 particular determination on that --

11 BOARD MEMBER GIOIA: Okay. Great. Okay.

12 ASSISTANT CHIEF COUNSEL SEGALL: -- since we
13 can't vary the law but we do --

14 BOARD MEMBER GIOIA: That's fine. You resolved
15 that. That's great.

16 The issue of real reductions. There were some
17 comments about ensuring that these emission reduction
18 plans are designed to result in quantifiable emissions
19 reductions above and beyond what is already required under
20 existing incentive programs, rules, and regulations, or
21 that these are designed to ensure at minimum no increase
22 in criteria air pollutants and toxic air contaminants.

23 In reading through the blueprint, I think that is
24 implied. In fact, there's a phrase in the blueprint,
25 community emissions reductions programs need to result in

1 real actions to improve air quality, by achieving
2 quantifiable emissions reductions, so there is language.

3 But there seems to be some doubt about how strong
4 that is. I looked through and tried -- I mean, that was
5 clear language there. I do think we're -- that our
6 interest is served by being really clear in the document,
7 because it's going to come to us for approval that these
8 emission reductions are above and beyond what is already
9 required under existing programs, right? So I know,
10 Richard, you have a comment about that. It looks like you
11 want to say -- yes.

12 EXECUTIVE OFFICER COREY: I'm quite
13 comfortable --

14 (Laughter.)

15 BOARD MEMBER GIOIA: Yes.

16 EXECUTIVE OFFICER COREY: -- clarifying in the
17 blueprint that the implementation of the blueprint is all
18 about real reductions above and beyond. And not only
19 clawing it out in the blueprint, it will be a benchmark by
20 which the community reduction --

21 BOARD MEMBER GIOIA: Right.

22 EXECUTIVE OFFICER COREY: -- programs that this
23 Board considers for adoption will be evaluated and
24 presented a report by our staff, so yes.

25 BOARD MEMBER GIOIA: And, I mean, I did -- as I

1 say, I tried to look for language. And the one I just
2 read was there, and so we're just trying to reiterate that
3 that's the case.

4 And the last point, and I think again this is
5 implied, this idea of sharing lessons learned or best
6 practices from one emission plan to future plans. Talk
7 about how ARB is going to sort of be a clearinghouse to
8 help in that regard.

9 EXECUTIVE OFFICER COREY: A few different ways.
10 One, you mentioned clearing house. Well, we'll have a
11 BARCT clearinghouse in terms of technology.

12 BOARD MEMBER GIOIA: Right.

13 EXECUTIVE OFFICER COREY: So what's being
14 applied, for instance, BACT, best available control
15 technology, best available control technology for toxics,
16 as well best available retrofit technology. We'll have a
17 common clearinghouse, which will basically promote the
18 best and cleanest technologies across the state.

19 Also, the learnings that are taking place in our
20 collaboration with the districts on -- and the steering
21 committees and the local communities, in terms of the
22 implementation of the plans. The plans will be publicly
23 posted. There will be annual updates on those plans,
24 what's working, what isn't working, what can expand to
25 other communities.

1 So our perspective is going forward, both by
2 virtue of meetings, and postings of experiences that is
3 going to be two key vehicles by which we push out this
4 experience and knowledge. So it multiplies as Mr. De La
5 Torre was talking about.

6 BOARD MEMBER GIOIA: Thank you.

7 And the comment that I made under -- it looks
8 like it's being shifted over to this discussion about the
9 monitoring communities, you know, there should be some
10 language that -- in which -- in the guidance document
11 where there's -- there's a policy that we're prioritizing
12 monitoring communities, which have completed their
13 monitoring in considering which communities shall be
14 designated as emissions reduction communities. So I
15 really would like to see some language that puts --
16 something that puts that in writing in the appropriate
17 place, so that there's no question that monitoring
18 communities are prioritized when the evidence shows that
19 they should be emissions reduction communities.

20 EXECUTIVE OFFICER COREY: We can be clearer on
21 that expectation. That was the expectation.

22 BOARD MEMBER GIOIA: And put that in writing
23 though somewhere in the blueprint.

24 Thanks.

25 CHAIR NICHOLS: Okay. I think I'm going to wait

1 and comment later in terms of the guidance issues that I
2 think also need to be added. So I'll turn down this way
3 and turn to you, Diane.

4 BOARD MEMBER TAKVORIAN: So I just wanted to
5 really nail down the requirement for the emissions
6 reduction program and wondered if -- well, I'm going to go
7 ahead and move that the -- that communities that are
8 monitoring only are required to develop an emissions
9 reduction program, and I'm saying by the second year
10 deadline, because it seems like that gives them the time
11 to get the needed data together. And I know in some cases
12 that they may need more time, but they could put that into
13 their program. We need a goal I think to aim for.

14 And the other thing is these communities will be
15 provided with the resources needed to complete their data
16 sets and develop the emission reduction programs in the
17 second year, because I know that we've heard from
18 districts that they may not have all of the resources.
19 And again, we don't want to be here next year with them
20 saying they didn't have those resources.

21 So I'd like to move that that be added to page
22 seven of the staff recommendation's report in the second
23 paragraph. Is that where it seems --

24 BOARD MEMBER GIOIA: What's the -- can you say
25 the language again. I wasn't -- the language.

1 BOARD MEMBER TAKVORIAN: That communities that
2 are monitoring only are required to -- the three
3 communities that are monitoring only - thank you - are
4 required to develop an emissions reduction program by the
5 second year deadline, which is January 2021. These
6 communities will be provided with the resources needed to
7 complete their data sets and develop the emission
8 reduction program in the second year.

9 BOARD MEMBER GIOIA: So I want to make sure I
10 understand it. So I support the concept. Doesn't it have
11 to come to CARB for us to approve it and then put them
12 into that? So I just want to make sure I understand the
13 process.

14 EXECUTIVE OFFICER COREY: Yeah, I would make two
15 suggestions to consider. And it would be along the lines,
16 the expectation is clear that you're communicating that
17 those that pursued monitoring only would be recommended --
18 recommended before this Board to move to the community
19 emission reduction program.

20 I would probably amend it two different -- two
21 ways. One, I would probably say one to two years. And I
22 think I'd also say contingent on funding. Because since
23 our appropriation is annually, I think we'd need to know
24 both of those things to, with confidence, be able to move
25 forward.

1 So the expectation of moving forward with a
2 recommendation for community reduction programs and the
3 monitoring only is clear. I'd like to say one to two
4 years and predicate it on funding.

5 CHAIR NICHOLS: Excuse me. Can you clarify why
6 this distinction was there in the first place? In other
7 words, why are there certain communities that are only
8 identified for monitoring? Because I think that might
9 help with what the response ought to be.

10 OCAP DIVISION CHIEF MAGLIANO: Sure. So the
11 three communities that we recommended start with
12 monitoring was really the need to collect sufficient
13 information so that you can -- the air districts and the
14 communities working together can really identify effective
15 strategies themselves.

16 And so I think this is the concern that Mr. Corey
17 is raising is that it probably takes a little bit of time
18 to actually get that monitoring out there, collect the
19 data, to then be able to turn that into informing that
20 strategy development process. So some of that monitoring
21 might happen really quickly. Some of it's more time
22 intensive.

23 CHAIR NICHOLS: I'm sorry, but I need an example.
24 This is pretty mush in my mind and I'll tell you why,
25 because they wouldn't be on the list in the first place if

1 we didn't know they had bad air quality, right?

2 OCAP DIVISION CHIEF MAGLIANO: Right.

3 CHAIR NICHOLS: The monitoring shows that we --
4 what we have today. So what exactly are they monitoring
5 for? And let me just say that if, as I suspect -- I'm
6 going to use the word that people hardly ever dare to
7 utter. But if the issue here is bad land use that led to
8 people being exposed to too much toxic pollution from
9 let's say diesel trucks running through their community,
10 and there's a difficulty for CARB to be the one to create
11 the strategy to fix that problem, because it's a local
12 government problem mostly, we have now working with the
13 districts a lot of local elected officials who are in the
14 middle of this, right? They're air quality officials, but
15 they're also local electeds. And they're in a position,
16 as are we, to go back to whoever is actually making
17 decisions and say, you know, this is -- you know, we need
18 to think about whether we're either moving something, or
19 we're creating buffers, or we're putting up walls, or
20 planting more trees, or, you know, whatever it is that
21 we've identified. But it doesn't take years to figure
22 that -- this is not a matter where more time is actually
23 going to solve the problem, in my opinion.

24 BOARD MEMBER TAKVORIAN: And can I just add to
25 that --

1 CHAIR NICHOLS: Um-hmm.

2 BOARD MEMBER TAKVORIAN: -- that they -- being
3 from one of those communities, there's a long list of
4 things that could go into an emissions reduction program.
5 And I'm sure there's many things that we need to study
6 further, so that we could add those. But I know that the
7 community of Richmond, which spoke loudly, feels that they
8 have a long list as well, and there's things that can be
9 moved forward. That doesn't mean that we know everything
10 about everything.

11 So I don't think anybody is trying to say that.
12 We're just trying to say don't make us wait yet longer in
13 communities that are already suffering to take some of
14 these actions. And the way It's playing out, if you don't
15 have an emissions reduction program, you're not taking
16 those actions to --

17 CHAIR NICHOLS: I also just want to be clear that
18 I -- because I make this confusion myself. I think what
19 we're talking about is exposure reduction, not just -- I
20 mean, it's both, but there could be things that we could
21 be doing while we're still, you know, hassling over how
22 much emissions reduction could come out of a particular
23 source that has a permit where we could still help with
24 the exposure side.

25 Supervisor Roberts.

1 BOARD MEMBER ROBERTS: Yeah, I think one of the
2 things, I think, when we're talking about a plan, you kind
3 of envision this comprehensive thing based on the data
4 that you're going to get. When you look at it, I mean, I
5 know that we've been monitoring but more on a regional air
6 district type of level. What you're talking about more of
7 a -- a more focused type of monitoring that's going to
8 give you different strategies. There -- I think there are
9 things that we probably could identify right off the bat
10 in terms of strategies. That's different from having a
11 plan where you've got the data that you're going to be
12 able to have a more comprehensive look.

13 And that's going to take some time. It's going
14 to -- first of all, it's going to take time to deploy the
15 stuff, collect the data, and then analyze it to try to
16 what are the new things that we could be doing that aren't
17 so obvious maybe --

18 CHAIR NICHOLS: Right.

19 BOARD MEMBER ROBERTS: -- that are going to be
20 part of -- more of a, you know, a comprehensive look. But
21 I don't -- I'm in agreement, that if there are things out
22 there that could be done, earlier, we ought to figure ways
23 to get those done.

24 But I think that's different than doing a plan
25 overnight that's based on --

1 CHAIR NICHOLS: Well, maybe we need some -- some
2 different terminology then to use for what we're going to
3 be expecting. But I share the concern that we not just
4 say you're being put off into this new program, like a
5 assisted living program, and you're not going to be
6 allowed out of it until, you know, something happens.

7 (Laughter.)

8 CHAIR NICHOLS: So it looks like -- it looks like
9 Kurt is ready to make a suggestion.

10 DEPUTY EXECUTIVE OFFICER KAPEROS: I would just
11 suggest perhaps a way forward on this. We've been talking
12 throughout the discussion today that even in communities
13 where -- that aren't being picked today for either
14 monitoring or a community emission protection program,
15 there will be actions taking place where it will be ARB
16 and air districts in those communities. You might
17 contemplate a direction from the Board that that's what
18 you want to see while we are working on the more detailed
19 plans or pulling together the data to have it ready for a
20 more detailed plan in the second year from a monitoring.
21 So if you're focusing on pushing forward the actions
22 rather than the planning exercise.

23 BOARD MEMBER BALMES: Could I just say one thing?

24 CHAIR NICHOLS: Sure.

25 BOARD MEMBER BALMES: And I hope I'm not

1 offending either Supervisor Gioia or Mr. Broadbent, both
2 of whom I greatly respect. But I know Richmond a little
3 bit in terms of air pollution, and I'm involved with a
4 study, as both of them know, we have 34 monitors in a grid
5 across Richmond, and we're not the only people monitoring
6 Richmond.

7 So the witness who said, from Richmond, you know,
8 we've had plenty of monitoring, we can move forward. We
9 may not know the exact percent of emissions from the
10 refinery, versus the chemical plant, versus the railyard,
11 versus the shipyard -- or the port -- excuse me, port,
12 versus the other mobile sources, the diesel trucks and
13 trains, but I think we know enough to start moving forward
14 sooner than later.

15 So I support -- I supported Mr. Gioia's, you
16 know, resolution or amendment to the resolution, but I
17 also really support what Ms. Takvorian and our Chair have
18 said about, you know, we don't have to wait forever to
19 move forward here.

20 I speak out of experience and knowledge about
21 Richmond. I can't speak about other places as much,
22 though I could talk about Fresno too, but...

23 (Laughter.)

24 CHAIR NICHOLS: I think we need guidance --
25 language in the guidance document itself that refers to

1 the expectation that there's going to be action going on.

2 BOARD MEMBER GIOIA: Right. Right. Yes

3 EXECUTIVE OFFICER COREY: We will -- we'll
4 capture that. Got it.

5 CHAIR NICHOLS: Okay.

6 BOARD MEMBER GIOIA: Could we just make sure, so
7 it's clear to everyone, the summary of that guidance is --
8 reiterate.

9 EXECUTIVE OFFICER COREY: The summary of that
10 guidance is action in those communities --

11 BOARD MEMBER GIOIA: Yes.

12 EXECUTIVE OFFICER COREY: -- that are monitoring
13 only.

14 BOARD MEMBER GIOIA: Right.

15 EXECUTIVE OFFICER COREY: Reductions, community
16 assistance grants --

17 BOARD MEMBER GIOIA: Right.

18 EXECUTIVE OFFICER COREY: -- related activities,
19 and also the transition, which Ms. Takvorian was talking
20 about, to a community reduction plan.

21 BOARD MEMBER GIOIA: Right. Right

22 EXECUTIVE OFFICER COREY: In the short run.

23 BOARD MEMBER GIOIA: Right. Sounds good.

24 BOARD MEMBER TAKVORIAN: And can we include the
25 report on that in the report -- they have to make a

1 report -- you have to make a report to everyone's behalf
2 back to the Board, right?

3 EXECUTIVE OFFICER COREY: I'm going to be making
4 many reports to this Board.

5 (Laughter.)

6 BOARD MEMBER TAKVORIAN: I know. I know. I
7 can't keep it all straight. But I know there's a report
8 somewhere where there's a report on the first year's
9 activity

10 EXECUTIVE OFFICER COREY: My expectation is -- my
11 expectation is I figure first quarter -- at least, first
12 quarter of 2019 is going to be how are things coming
13 along? How are things going in the steering committees?

14 BOARD MEMBER GIOIA: Right.

15 EXECUTIVE OFFICER COREY: How are things going in
16 the monitoring? How are they progressing in terms of the
17 positioning to transition to a community reduction plan,
18 because you're going to ask me that anyway.

19 BOARD MEMBER TAKVORIAN: I am.

20 EXECUTIVE OFFICER COREY: So we'll talk about it.

21 BOARD MEMBER TAKVORIAN: So I just want it to be
22 a place on the form, and that everybody knows we have to
23 work on it, and that there's not a big fight at the
24 steering committee meetings about, well, we're monitoring.
25 We're not going community reduction plans, so thank you.

1 BOARD MEMBER GIOIA: Right. And I just want to
2 point out, this isn't inconsistent with moving up the rule
3 adoption, because frankly, emission reduction plan isn't
4 the implementation phase.

5 CHAIR NICHOLS: Right.

6 BOARD MEMBER GIOIA: In fact, as I pointed out in
7 my comments earlier, it's the development of a plan that
8 then leads to CARB approval, that then leads to
9 implementation. The -- my resolution moved up the rule
10 adoption or the implementation of some very specific
11 measures, which will have some tangible benefits, right.

12 CHAIR NICHOLS: That are on your agenda anyway,
13 yeah.

14 BOARD MEMBER TAKVORIAN: Which any district can
15 do at any time actually. They -- no one has to wait for
16 the plan to Supervisor Roberts' point, right?

17 CHAIR NICHOLS: Okay. I want to talk about the
18 steering committee issues that were raised, unless there's
19 more on this particular point?

20 BOARD MEMBER BALMES: I have more general
21 comments.

22 CHAIR NICHOLS: Okay. Well, I want to -- I
23 think there's no point acting as though we don't have a
24 say on whether a majority should be from the community. A
25 majority should be from the community, and we ought to

1 just say that.

2 And the other thing I heard is that small
3 businesses that are in the community feel like they're
4 left out of this discussion completely. And I think it
5 should be clear that if you own a business that's
6 qualified as a small business in the community, even if
7 you're not residing there, you are eligible to be
8 considered to be a member of the community. And I'm
9 seeing heads nod on that one, so I think maybe I've got
10 that. Okay.

11 VICE CHAIR BERG: Can I just --

12 CHAIR NICHOLS: I'm sorry?

13 VICE CHAIR BERG: Could I just jump on real
14 quick? You know, many of these communities do have
15 chamber of commerces.

16 CHAIR NICHOLS: Um-hmm.

17 VICE CHAIR BERG: Their community businesses
18 really are very active. And so my gut sense is that the
19 community leaders do know, and they are broad, because
20 they need the community businesses to do projects and
21 community service, and they reach out to them. So I'm --
22 I'm a little more heartened that it's going to be a little
23 simpler than we're making it.

24 I fully agree it should be within -- you should
25 be within the community, other than if the community

1 members want an expertise in health or some specific
2 thing, they'll know that, so I'm pretty -- I'm pretty
3 heartened by that.

4 CHAIR NICHOLS: I just think that we might as
5 well be clear, so nobody turns to our guidance and says,
6 well, they didn't really say that.

7 VICE CHAIR BERG: No, I like. I second it.

8 CHAIR NICHOLS: Thank you. Thank you.

9 BOARD MEMBER TAKVORIAN: I like it and will third
10 it. And also will say I really do think it's important to
11 lift up the CVAQ comment that the process be transparent.

12 CHAIR NICHOLS: Um-hmm.

13 BOARD MEMBER TAKVORIAN: And I think to summarize
14 it that it's an open public process, it's transparent,
15 that the applicants are posted on a website, that the
16 process for determination of who's on the community and
17 who's not, and that the meetings are going to be public.
18 So they need to be part of that website and noticed as
19 well.

20 So I think that there's a difference throughout
21 the district, so we want to make sure that part is at
22 least the same.

23 Thank you.

24 CHAIR NICHOLS: John.

25 BOARD MEMBER BALMES: So I totally support what

1 we've just, I think, decided on the steering committee
2 issue, but I had some more general comments, if that's
3 okay.

4 CHAIR NICHOLS: Sure.

5 BOARD MEMBER BALMES: So first off, I think Diane
6 has already said this, but I was actually very heartened
7 by the public testimony, the enthusiasm. You know, we got
8 beat up by some of the members of the impacted
9 communities, but that's okay. We need to hear that, we
10 need to listen, and we need to build trust. I think one
11 of the CBE members from Richmond, Mr. Arevalo if I'm not
12 mistaken, said we needed to build trust, and I think we
13 do. And I think we're trying to do that. And I really
14 want to say as someone who's taken a very active interest
15 in AB 617, as many people have said, me included, it's
16 transformative.

17 There's, as far as I know, no other air quality
18 management agency in the country is really doing this
19 local type of program that's really designed to address
20 environmental injustice. And so we have to get it right.
21 And that involves building trust. And I think we -- you
22 know, even though there was kind of the usual tension in
23 the room with some speakers, I think that the Board and
24 the staff need to hear that, and we need to act with that
25 in mind.

1 So I have a couple of specifics. It was raised
2 about the consultation committee, AB 617 consultation
3 committee, which I chair, whether that would continue.
4 And I think I confirmed during the break that we will
5 continue at least for the early part of the implementation
6 phase. And I think it's been a useful clearinghouse of
7 ideas. And I think as we learn from these first 10
8 communities -- the implementation of AB 617 in these
9 communities, that we will need to hash out things in that
10 committee.

11 I really want to second, third, fourth, or fifth
12 Assembly Member Garcia's -- he's not here, but his comment
13 about that we need more funding for collection of -- well,
14 renew our funding for the program And specifically - I
15 wish he could have heard this - if we want to collect
16 health data down the road -- I don't think we're ready to
17 do that now. But if we want to link health data with our
18 emission reduction, then we will need funding for that
19 from the legislature and it probably wouldn't necessarily
20 come to CARB. I would say that should go to CDPH.

21 But I guess I also want to second those that have
22 said the success of this program will be measured by
23 mission reductions. And the emission reductions should
24 have positive health impacts. But I also want to say,
25 it's not going to solve all the health disparities in

1 these communities.

2 I want to make that very clear to all my
3 environmental justice friends, we need environmental
4 justice. I support that. We need to reduce exposures of
5 communities, but it's not going to solve all the health
6 problems -- the health disparities in those communities.
7 So we have to be clear about that. A lot of those are
8 economic, which this may have, you know, some leverage on,
9 but it's not the whole story.

10 So there's been a lot of concern in terms of the
11 environmental justice community appropriately to try to
12 get some kind of health metrics into our thinking. And
13 it's been tough for me, because I'm a health effects --
14 air pollution health effects researcher, and I know how
15 bad the data are in terms of getting timely data at the
16 community level. That's why I think we need a lot of
17 resources, if we're going to go that way down -- in the
18 future. But in discussions with some folks, I had, what
19 I've been calling, an epiphany, I think actually we can
20 talk about what's helpful air -- what's healthy air.

21 That's different than getting health data, real
22 time or timely health data. But we know for the criteria
23 pollutants like PM2.5 now what's healthy. And we can have
24 that as a target of our emission reduction plans.

25 And in the future, I don't think we're ready for

1 this, we can have targets for toxic air contaminants,
2 which I think is really the key to addressing some of the
3 health dis -- the environmental health issues in these
4 impacted communities.

5 But there's a mechanism in place that we've
6 actually already started on. We're mandated by AB 617 to
7 work with the scientific review panel of CalEPA, which
8 has -- its job is to review tox air contaminants, a list
9 of those, which does drive State policy. And they have
10 already -- we've already started talking about with them
11 about how they can help us identify toxic pollutants that
12 we could target with emission reduction plans in the
13 future.

14 And we -- I don't think we're quite ready to say
15 what's health in terms of the level of benzene that -- you
16 know, which is a carcinogen, but we can get there. I
17 think we can come up with thresholds that are
18 potentially -- where I would feel comfortable as a public
19 health practitioner saying that this is pretty healthy.

20 My last couple of comments would be, Mr.
21 Broadbent brought up, I think appropriately, that
22 permitting is an issue for the local districts. And I
23 don't have any magic solution, but I think if we want AB
24 617 to succeed in the long run, we have to look at
25 permitting. Again, I don't have a magic wand, but that's

1 an important issue.

2 And I also think that we need better emissions
3 inventory. Right now, I think we're just going to get it
4 in the 10 communities, but I think it should be as
5 statewide as possible.

6 And I think we should be work towards effective
7 emissions -- data sets that Diane was talking about. I
8 think we need to get these across the state in terms of
9 impacted communities. It's not going to happen tomorrow,
10 but we need to work towards that.

11 I think I'm almost ready to shut up.

12 This is near and dear to my heart, AB 617, so I
13 get excited about it. I was ready to jump in after Hector
14 started off on this, but about I think I'm -- I think I'm
15 ready to be quiet.

16 Thank you.

17 CHAIR NICHOLS: Well, hopefully, this isn't the
18 end of the --

19 (Laughter.)

20 CHAIR NICHOLS: This is the beginning. We're
21 launching something here. There will be lots of
22 opportunities not only in these meetings, but in other
23 meetings that will be taking place at the local level. I
24 suspect the legislature is going to want to do some
25 oversight on how this is working. So I expect there's

1 going to be a lot of conversation. This is not -- this
2 program is not going to sink out of sight.

3 Are we ready to vote?

4 VICE CHAIR BERG: No, I think Hector has --

5 BOARD MEMBER GIOIA: I just want to make one
6 brief comment

7 CHAIR NICHOLS: No, he said he was ready.

8 BOARD MEMBER GIOIA: OH, sorry.

9 VICE CHAIR BERG: No. Hector.

10 (Laughter.)

11 CHAIR NICHOLS: Oh, sorry. Excuse me. Pardon
12 me. Hector.

13 He sent me a note.

14 (Laughter.)

15 BOARD MEMBER DE LA TORRE: I raised my hand.

16 (Laughter.)

17 BOARD MEMBER DE LA TORRE: I was going to talk
18 about this, but John really kind of did the bulk of it,
19 which is the health standard. I think, you know, there
20 is -- there's been a request for a scientific panel with
21 ourselves and other agencies. I think John -- Dr. Balmes
22 just mentioned that there's already a mechanism to do
23 this.

24 And I agree with Dr. Balmes, we're -- we're one
25 step away from being able to do that, being able to do a

1 health standard. The issues he raised about, you know,
2 what -- what are the toxic contaminants and how do those
3 impact health. And to your point about the health issues
4 in these communities, what is attributable to air, and
5 what is attributable everything else that's going there?

6 We need to answer that question, and I think
7 that's what this scientific panel -- and I think it should
8 be part of, you know, how we move forward, is to have this
9 panel of experts look at the evidence. If we need to do
10 other research, use our research funds to do that, and
11 really build out a robust analysis of what is attributable
12 to air, so that we can take those further steps down the
13 road.

14 BOARD MEMBER BALMES: Could I just interject one
15 thing I left out, which is totally germane. The Office of
16 Health Equity of the California Department of Public
17 Health is another partner that I think needs to be on --
18 in this advisory committee that Hector just referred to.

19 CHAIR NICHOLS: I would just like to add that one
20 of -- while we're talking about the need for additional
21 resources, you know, we've been under an obligation now
22 for more than a year to put together a publicly accessible
23 site, where all the data that exists on what emissions are
24 out there, of which there's a lot, get compared, get put
25 together by source.

1 So for many sources, we have toxic emissions
2 data, as well as conventional air pollutants, that we
3 aren't yet able to fully make available to interested
4 members of the public.

5 So we already are in the midst of a program,
6 which probably could use some additional help to move it
7 along faster as well.

8 BOARD MEMBER TAKVORIAN: Yeah, I just wanted to
9 echo my agreement with Dr. Balmes and Mr. De La Torre. I
10 think it's important that this body be created, and that
11 we allocate the research dollars.

12 I also think it needs to be integrated with the
13 emission reduction plans. That this has to be a point of
14 conversation within the communities as we're moving
15 forward, because the health outcomes are critically
16 important. So I know we don't know exactly how to do
17 that, but if we don't start talking about it in those
18 places, then we're never going to be clear on the goals.
19 And so I think it's really important, back to the
20 composition of the Committees that we have health
21 practitioners and academics who understand health outcomes
22 on those committees as well. So I hope that the districts
23 are going to be able to recruit those folks.

24 CHAIR NICHOLS: Agreed.

25 Okay. I believe you have the last word, John --

1 BOARD MEMBER GIOIA: Yes.

2 CHAIR NICHOLS: -- unless somebody else --

3 BOARD MEMBER GIOIA: One last point, I really do
4 want to underscore this permitting issue and land-use
5 issue. There seems to always be this -- the idea that it
6 is only an air district that permits. Having been a
7 land-use lawyer and serving on a land-use agency board,
8 the county board of supervisors for 20 years, anyone
9 involved with land use knows that greater permitting
10 authority rests with the local land-use agency, which is
11 exactly why land use recommendations need to come out of
12 this. And, yes, local land-use agencies don't like there
13 to be -- to have interference from other levels of
14 government.

15 But the fact of the matter is, I think that's
16 where we're going to have to sort of provide some -- I
17 don't want to say oversight, but some monitoring to look
18 at implementation of local land use, because permitting
19 issues are -- the lead agency on permitting is a city
20 council or board of supervisors, depending where the
21 project is located.

22 And folks always seem to think it's the air
23 district taking the lead, and it -- there's not an issue
24 at the air district, if there's not a permitting -- if
25 there's no -- if it's not an allowable use or an expansion

1 is not allowed at the city or county, there's never an
2 application to do that.

3 So -- but I do -- so I just want to underscore
4 that aspect and to ensure that we are making sure that
5 these -- that all of these emission reductions plans
6 identify where there are relevant land-use issues.

7 Even if they're obstacles, identify the issues.

8 CHAIR NICHOLS: Um-hmm. It's music to my ears.
9 Judy Mitchell.

10 BOARD MEMBER MITCHELL: I just want to add to
11 what Supervisor Gioia said, because I do think one
12 component of the steer -- the steering committee should be
13 locally elected officials and their planning staff.
14 Because I think a lot of times they may not understand
15 what the impacts are of the building permit they're
16 giving, or the general plan that they have in front of
17 them.

18 And so I think at least the steering committee
19 would be a good clearinghouse, a good way to collaborate
20 and have a conversation about how the land-use decisions
21 are impacting the air quality of their constituents that
22 are living in that area. I mean, we're seeing that so
23 much, and we heard about it today from people in the San
24 Bernardino community, where so many warehouses are going
25 in. And that's one key area where I think we can really

1 be useful, and helpful to those communities.

2 CHAIR NICHOLS: Thank you.

3 I don't know, could we take longer?

4 (Laughter.)

5 CHAIR NICHOLS: Is there --

6 VICE CHAIR BERG: Madam Chair, I would like to
7 move resolution 18-33.

8 BOARD MEMBER GIOIA: Second.

9 BOARD MEMBER ROBERTS: Second.

10 BOARD MEMBER GIOIA: Whoever was faster.

11 CHAIR NICHOLS: Whoever got to the draw first.

12 Okay. I think we are ready to vote and I'm
13 really pleased with the discussion. I was being a little
14 bit facetious, but this is obviously an issue in which we
15 needed to take our time, not only to listen, but reflect
16 back what we have heard and what we think about how this
17 program needs to go forward. So I'm pleased with the
18 quality and quantity of the comments.

19 And I'm ready to now call the question.

20 So all in favor of Resolution 33 please signify
21 by saying aye?

22 (Unanimous aye vote.)

23 CHAIR NICHOLS: All opposed?

24 No abstentions. Thank you all very much for a
25 really excellent day's work reflecting a lot of -- a lot

1 of many days of work. And let's take a break, because we
2 have another item on our agenda and we need to talk about
3 what to do with it.

4 Ten minutes again.

5 (Off record: 5:09 p.m.)

6 (Thereupon a recess was taken.)

7 (On record: 5:25 p.m.)

8 CHAIR NICHOLS: Good evening, everybody. Welcome
9 back. As you know, we took a long time, but it was needed
10 time on the item relating to the Community Air Protection
11 Program, so I apologize for those of you who've been
12 waiting all day. And I'm also going to ask your
13 indulgence in expediting this process. I'm sure nobody
14 wants it to take longer than it has to. But if you are
15 here in support of the proposal, I hope that we can get
16 you to do what the legislature does, which is basically to
17 just say support, and let it go at that. We are going to
18 use a two minute -- a two minute time limit instead of
19 three just to make sure that we move things along. And
20 I've asked the staff to shorten their presentation to the
21 absolute minimum. Fortunately, I know they're fast
22 talkers, so we should be able to get through it.

23 So without further ado, let's look at the Low
24 Carbon Fuel Standard. We've heard the original proposal
25 on this back in April, so it should be familiar to the

1 Board members. It is certainly a key part of our
2 portfolio of policies that were developed in support of AB
3 32, which achieved greenhouse gas reductions in the
4 transportation sector.

5 These amendments are proposing to adopt a 20
6 percent reduction in fuel carbon intensity by 2030, and to
7 expand the credits for certain things, including certain
8 fuels, vehicles types, and other innovative actions,
9 including carbon capture and sequestration that can reduce
10 transportation-related greenhouse gas emissions, and put
11 us on the path towards the goal of carbon neutrality by
12 2045.

13 So this is program which having been involved
14 with it since its inception, I can say has evolved quickly
15 into a more important program than we originally even
16 thought it was going to be.

17 Mr. Corey, would you please introduce the item.

18 EXECUTIVE OFFICER COREY: Yes. Thanks, Chair.

19 And as you stated, staff is proposing that the
20 Board adopt amendments to Low Carbon Fuel Standard, and
21 the Alternative Diesel Fuels, or ADF, regulations. The
22 purpose of the Low Carbon Fueled Standard regulation is to
23 reduce carbon intensity of transportation fuels used in
24 California, thereby reducing greenhouse gas emissions and
25 to diversify the fuel pool to enable long term

1 decarbonization of the transportation sector.

2 In response to the Governor's Executive Order
3 B-48-18 to boost zero-emission vehicles and
4 infrastructure, the amendments are also designed to
5 further incent the installation of additional ZEV fueling
6 infrastructure.

7 California's transportation industry remains the
8 largest contributing sector to greenhouse gas inventory.
9 The proposed 2030 Low Carbon Fuel Standard target sends a
10 clear signal to the market that investments in clean low
11 carbon fuels is necessary to meet our air quality and
12 climate goals, and will be rewarded. I'll now ask Anthy
13 Alexiades of the staff team to give the presentation.

14 Anthy.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 AIR RESOURCES ENGINEER ALEXIADES: Thank you, Mr.
18 Corey. Good evening Chair Nichols and members of the
19 Board.

20 We're pleased to have this opportunity to present
21 to you refinements on the proposed amendments to the Low
22 Carbon Fuel Standard and the commercial -- the regulation
23 on the commercialization of Alternative Diesel Fuels.

24 --o0o--

25 AIR RESOURCES ENGINEER ALEXIADES: The Low Carbon

1 Fuel Standard is CARB's primary program to encourage the
2 use of low carbon fuels in California. This program is
3 based on the principle that each fuel has life cycle
4 greenhouse gas emissions associated with its production,
5 transport, and use. The carbon intensity score of each
6 fuel is compared to a declining CI benchmark for each
7 year.

8 Low carbon fuels generate credits, while fuels
9 above the CI benchmark generate deficits that must be
10 canceled out by credits. This results in a decrease in a
11 decrease in the total life cycle greenhouse gas emissions
12 from the transportation fuel pool.

13 Low carbon fuel use has grown significantly under
14 the LCFS helping to reduce our reliance on petroleum,
15 improved air quality, and advanced technologies to achieve
16 deep, decarbonization in the long run.

17 --o0o--

18 AIR RESOURCES ENGINEER ALEXIADES:

19 Transportation, together with the industrial
20 emissions from in-state oil and gas extraction and
21 refineries, account for over half of California's
22 greenhouse gas inventory. The program has been a key part
23 of the state's portfolio of greenhouse gas reduction
24 measures since the first climate change scoping plan.

25 When the Board adopted an update to the scoping

1 plan last year, you reemphasized the success of this
2 program and the need the strengthen the LCFS to achieve
3 our 2030 greenhouse gas reduction goals under Senate Bill
4 32.

5 --o0o--

6 AIR RESOURCES ENGINEER ALEXIADES: Today is the
7 second of two hearings on this item and the culmination of
8 a nearly three-year process. In the development of this
9 proposal during 2016 and 2017, we held 22 public workshops
10 and working meetings with stakeholders. At the end of
11 2017, the Board took two significant actions that also
12 contributed to the scope of this rulemaking.

13 First, in November, the Board set aside parts of
14 the prior LCFS environmental analysis dressing NOx
15 emissions from biodiesel as required by a court order.

16 In December, the Board adopted a scoping plan,
17 which called for the LCFS to achieve at least an 18
18 percent reduction in carbon intensity by 2030. Then in
19 January of 2018, Governor Brown issued an Executive Order
20 calling for the LCFS to strengthen support for
21 zero-emission vehicle infrastructure.

22 That call was reinforced by the board at the
23 first hearing in April of 2018, where we received
24 direction from the Board to proceed with credits for such
25 infrastructure, based on the capacity of fast-charging and

1 hydrogen stations. We also received direction from the
2 Board to work with stakeholders on a point-of-purchase
3 electric vehicle rebate program.

4 Based on stakeholder comments received on the
5 original proposal, we released additional modifications
6 for two 15-day comment periods, and held a workshop prior
7 to each to discuss the proposed amend -- modifications
8 with stakeholders.

9 If the Board votes to adopt these amendments, the
10 proposed changes will go into effect January 1st, 2019.

11 --o0o--

12 AIR RESOURCES ENGINEER ALEXIADES: In April, we
13 presented to you the ambitious objectives for this
14 rulemaking that you see on this slide. Under these
15 amendments, we will strengthen the program's targets.
16 Airlines, crude oil producers, and refiners will take
17 first steps on the long road towards decarbonization.

18 Transit systems and electric vehicles will
19 increasingly be powered by zero carbon electricity.

20 Technologies to capture carbon dioxide will begin
21 to help -- help us begin to reverse the trend in rising
22 CO2 concentration. Changes to the Alternative Diesel
23 Fuels regulation will protect against any potential future
24 NOx increases. And the LCFS will continue to provide
25 strong incentives for all low carbon transportation

1 alternatives.

2 --o0o--

3 AIR RESOURCES ENGINEER ALEXIADES: The main
4 objective of this rulemaking is to achieve a 20 percent
5 reduction in carbon intensity by 2030. This means that
6 the 2030 target will be four times more Ambitious than the
7 current 2018 target.

8 These targets are shown next to the CI reductions
9 achieved in 2017 by the most common low carbon fuels to
10 illustrate how these fuels currently perform relative to
11 our proposed targets. Substantial growth in each of these
12 low CI fuels will be needed to meet our 2030 goals.

13 --o0o--

14 AIR RESOURCES ENGINEER ALEXIADES: We developed
15 modeling tools to estimate potential fuel volumes and
16 credit generation through 2030. This illustrative
17 scenario has been updated since the first hearing to
18 include modifications, such as infrastructure crediting.

19 Below the 2030 credit scenario, we show the
20 actual 2017 credit generation. While the exact path of
21 alternative fuels growth cannot be predicted, the
22 illustrative scenarios show that the full spectrum of
23 clean fuels will be needed to meet our climate goals.

24 The LCFS supports a diversity of fueling options
25 to meet all the needs of the transportation sector. Each

1 of these fuels and greenhouse gas reduction projects are
2 expected to continue to generate substantial value under
3 the LCFS. Assuming an average credit price of \$110 per
4 metric ton, we anticipate that biomassed-based distillates
5 including alternative jet fuel could generate over \$1.2
6 billion in LCFS credit value in 2030.

7 The electric mobility sector could benefit by
8 nearly 700 million in 2030, much of which will be invested
9 in additional infrastructure, renewable capacity, and ZEV
10 adoption to further ensure future reductions.

11 Biomethane used as a transportation fuel could
12 earn nearly 500 million, thereby contributing
13 significantly to the achievement of California's
14 short-lived climate pollutant goals, and ethanol would
15 generate around \$400 million worth of LCFS credits in this
16 scenario.

17 Much of this value is anticipated to be invested
18 in innovate emission reduction activities at existing
19 ethanol facilities, including adding carbon capture and
20 sequestration, and the production of cellulosic ethanol
21 from corn kernel fiber.

22 --o0o--

23 AIR RESOURCES ENGINEER ALEXIADES: Let's turn now
24 to the changes we've proposed in response to stakeholder
25 comments and Board member direction.

1 At the April hearing, you asked us to explore how
2 the program could do more to promote expansion of
3 zero-emission vehicle infrastructure through the LCFS, as
4 directed by the Governor's Executive Order. We developed
5 a mechanism to credit infrastructure on the basis of the
6 station capacity for Both hydrogen refueling and DC
7 fast-charging infrastructure.

8 These credits will incent strong investment in
9 ZEV fueling infrastructure, and eliminate the problem
10 whereby some consumers, for example, those living in
11 apartment buildings, won't buy a zero-mission vehicle
12 without the place to fuel it, but no one will build ZEV
13 fueling infrastructure, if there aren't a sufficient
14 number of vehicles on the road.

15 --o0o--

16 AIR RESOURCES ENGINEER ALEXIADES: The fueling
17 network encouraged by this provision will down costs and
18 improve the business case for both hydrogen stations and
19 fast chargers.

20 The concept is simple, the LCFS will credit
21 eligible stations based on the capacity of the station to
22 deliver fuel once the station is fully utilized.
23 Infrastructure credits will decrease as a station reaches
24 full utilization until it is only generating credits for
25 its dispensed fuel.

1 Applications will only be accepted through 2025
2 to spur the rapid investment needed to achieve the State's
3 infrastructure goals. And each station or site can only
4 receive infrastructure credits for a fixed number of
5 years.

6 Additionally, the overall quantity of
7 infrastructure credits issued is capped at five percent of
8 the total LCFS program deficits, leaving at least 95
9 percent of the credit value to be supplied by traditional
10 sources of LCFS credits, such as biofuels.

11 ZEV fuels have the best performance when
12 considering conventional air pollution, such as ozone and
13 smog. These LCF changes will better align the State's
14 fuel and vehicle policies to simultaneously address our
15 climate change and air quality challenges. And help reach
16 the Governor's goal of a five million zero-emission
17 vehicles on the road by 2030.

18 --o0o--

19 AIR RESOURCES ENGINEER ALEXIADES: The Board also
20 directed staff to explore the establishment of a statewide
21 point-of-purchase electric vehicle rebate program funded
22 by the sale of LCFS credits. Since the April Board
23 hearing, a coalition of electrical utilities and
24 automakers have come together to lay the groundwork for
25 such a program.

1 We'll more on the details of this program from
2 this coalition following today's staff presentation. The
3 approach requires targeted changes in the LCFS. We've set
4 a minimum percentage contribution from all utilities that
5 opt in, which scales with utility size and increases over
6 time. We've also established battery capacity tiers in
7 line with the federal rebate structure to ensure that UVs
8 with higher battery capacity get the maximum rebate.

9 Once the program is in place, we will report back
10 to the Board on how the program is designed to more
11 effectively use LCFS proceeds to increase electric vehicle
12 adoption.

13 --o0o--

14 AIR RESOURCES ENGINEER ALEXIADES: The
15 supplemental environmental analysis that we presented to
16 you in April found that the use of biodiesel results in
17 overall health benefits, but there could be potential
18 future NOx increases related to biodiesel use in the
19 off-road sector.

20 As part of this rulemaking, we're proposing a
21 change to the alternative diesel fuels regulation to
22 protect against any potential future NOx increases. The
23 ADF imposes restrictions on certain biodiesels to prevent
24 any significant new NOx emissions.

25 Under the current regulation, the NOx mitigation

1 provisions will sunset when the on-road fleet transitions
2 to new engine technology that is not affected by biodiesel
3 use. In April, we proposed delaying that sunset until the
4 off-road fleet transitions as well.

5 In response to stakeholder comments, we now
6 propose bifurcating the ADF sunset provisions for on- and
7 off-road sectors. We project that the sunset will likely
8 occur in 2023 for on-road, and 2030 or later for the
9 off-road sector.

10 --o0o--

11 AIR RESOURCES ENGINEER ALEXIADES: This slide
12 summarizes several other modifications we made through the
13 15-day comment period process following the Board hearing
14 in April. Among other changes, we've modified the jet
15 fuel benchmarks, streamlined the application process for
16 biomethane pathways, limited liability for CCS projects to
17 50 years, while maintaining the 100-year monitoring
18 requirement, and made adjustments to address verifier
19 availability concerns.

20 --o0o--

21 AIR RESOURCES ENGINEER ALEXIADES: The draft
22 environmental analysis for the proposed amendments was
23 released in March for a 45-day comment period. Staff
24 concluded that the use of alternative fuels results in
25 overall air quality and health benefits for the State.

1 Localized environmental impacts across a variety
2 of resource areas, including local air emissions cannot be
3 ruled out, but may be reduced or mitigated at the project
4 level. By 2030, the LCFS will drive approximately 125
5 million metric tons of greenhouse gas reductions. This
6 represents an additional 63 million tons of reductions
7 resulting from the amendments beyond what would be
8 achieved under the current regulation.

9 We prepared a final environmental analysis and
10 written responses to all comments raising environmental
11 issues received on the draft EA and posted them on our
12 website September 17th.

13 --o0o--

14 AIR RESOURCES ENGINEER ALEXIADES: We believe the
15 proposed regulation with these enhancements will produce
16 the correct incentives for long-term decarbonization of
17 California's transportation fuels. Staff recommends the
18 Board approve the written responses to comments, certify
19 the final EA, adopt the final NOx disclosure discussion,
20 make the required CEQA findings and Statement of
21 Overriding Considerations, and adopt the proposed
22 amendments.

23 --o0o--

24 AIR RESOURCES ENGINEER ALEXIADES: Moving
25 forward, we will keep a close eye on the progress across

1 all crediting provisions and continue to make the program
2 data publicly available an transparent. We will report
3 back to the Board on implementation of the clean fuel
4 vehicles reward in the spring.

5 We'll hear more on the details of that program
6 following the staff presentation.

7 We will also continue to focus on working with
8 our partners to develop policies like the Low Carbon Fuel
9 Standard in other states and nations. In just a moment,
10 we'll hear from or Oregon's Department of Environmental
11 Quality about the progress on their analogous Low Carbon
12 Fuel Standard program.

13 --o0o--

14 AIR RESOURCES ENGINEER ALEXIADES: This concludes
15 staff's presentation. And I would like to ask Leah
16 Feldon, the Deputy Director of Oregon's Department of
17 Environmental Quality to speak now. And following the
18 comments from Oregon, we'll have a presentation of the
19 joint utility and automakers proposal.

20 Thank you for your attention.

21 CHAIR NICHOLS: Thank you. Thanks for sticking
22 with us.

23 MS. FELDON: Absolutely.

24 Good afternoon, Chair Nichols, Vice Chair Berg,
25 members of the Board. For the record, my name is Leah

1 Feldon. I'm the Deputy Director of the Oregon Department
2 Environmental Quality. Thank you for the opportunity to
3 speak with you this afternoon, and for your continuing
4 leadership to combat climate change.

5 When Oregon joined the Pacific Coast
6 Collaborative in 2013, we committed to work together to
7 build the low-carbon economy of the future, and to act
8 regionally to transform our transportation systems in a
9 changing climate.

10 California and Oregon, along with British
11 Columbia have collaborated in the largest regional effort
12 to lower the impact of transportation fuels along the
13 Pacific Coast with the design and implementation of Low
14 Carbon Fuel Standards. Since our programs have been
15 implemented, approximately nine billion gallons of
16 gasoline and diesel have been displaced, resulting in 31
17 million tons of greenhouse gas reduction across our
18 jurisdictions.

19 The region has also benefited by expanding clean
20 fuel options protecting fuel consumers from the spikes in
21 oil prices and production shortage, and improving air
22 quality and public health.

23 With California paving the way on the legal,
24 technical, and policy issues, we have learned valuable
25 lessons on both what to do, and what not to do, as we

1 developed our program.

2 Your Low Carbon Fuel Standard staff and
3 management have been generous with their expertise and the
4 sharing of tools that allows a smaller state like ours to
5 be able to implement such an important program.

6 In particular, we greatly appreciate you sharing
7 your reporting tool with us, assistance with the GREET
8 Model and approval of PATHWAYS. We could not have done
9 this alone. We're proud to say that our Low Carbon Fuels
10 Standard, called the Clean Fuels Program in Oregon is now
11 in its third fuel year of implementation. And we are
12 seeing lots of early success.

13 Over the first two years of the program, all of
14 our regulated parties have complied with the standards.
15 The carbon intensities of substitutes for both gasoline
16 and diesel have seen steady decreases, and there is a
17 growing bank of credits. Our credit market is seeing
18 healthy activities. And the price signal created by the
19 credit market is clearly factoring into the decisions that
20 Oregon fuel providers are making when they procure
21 biofuels and other low carbon fuels.

22 The success of the Clean Fuels Program is an
23 important piece of Oregon's effort to reduce greenhouse
24 gas emissions by 75 percent from 1990 levels by the year
25 2050.

1 The transportation sector, like California, is
2 the single largest source of greenhouse gas emissions in
3 Oregon. And while emissions from all other sectors are
4 declining, emissions from motor vehicles are climbing in
5 Oregon.

6 Oregon must reduce emissions from the
7 transportation sector. And we will do that continuing to
8 implement California's clean car standards, integrating
9 land use and transportation planning to reduce vehicle
10 mile traveled per capita, decarbonizing the electricity
11 used in vehicles, and fully implementing the Clean Fuels
12 Program.

13 On the legal front, the 9th Circuit Court
14 recently upheld the dismissal of the federal lawsuit
15 against the Clean Fuels Program. And again, let me thank
16 you for your support in that matter.

17 With respect to your current rulemaking, Oregon
18 strongly supports the proposed changes to your program:
19 In particular, the extension of the program's goals to 20
20 percent by 2030; the updates to the GREET Model; the
21 inclusion of the third-party verification; and the
22 addition of renewal jet fuel as a source of credits. We
23 are also proposing to update our version of the GREET
24 model and include credits from renewable jet fuel in a
25 rulemaking later this year, and we will be addressing

1 third-party verification in a rulemaking next year.

2 Again, thank you so much for your leadership in
3 this policy, and we look forward to many more years of
4 continued collaboration between our states.

5 Thank you.

6 CHAIR NICHOLS: Well, thank you very much. It's
7 really helpful to have you as partners. And it's
8 definitely been a long road, but it's great that we've
9 been able to keep Oregon at the table, and us able to be
10 able to give you some -- some support in putting this all
11 together. But we know that you've had a lot of -- a lot
12 of issues of your own to deal with. And so, we appreciate
13 the fact that you've been able to give it so much
14 attention. I think we now need to hear from the utility
15 auto group. Yes.

16 MR. DOUGLAS: Good evening, Chair Nichols,
17 members of the Board. I'm Steve Douglas with the Alliance
18 of Automobile manufacturers. And I'm pleased tonight to
19 also be representing not only my own members, but also
20 global automakers and their members, and Tesla.

21 First, I would like to --

22 (Laughter.)

23 CHAIR NICHOLS: Not a member of the Alliance,
24 right.

25 (Laughter.)

1 (Thereupon an overhead presentation was
2 Presented as follows.)

3 MR. DOUGLAS: Yes.

4 First, I'd really like to thank Vice Chair Berg
5 for her leadership in this. And I'd also like to thank
6 the ARB staff for all of their hard work. It was just
7 five months ago that the Board asked the stakeholders to
8 come together and develop a framework that would provide a
9 larger clean fuel reward for replacing gasoline with
10 electricity, and to provide that reward at -- up front at
11 the point of purchase. I can tell you that this has not
12 been easy.

13 --o0o--

14 MR. DOUGLAS: However, with Vice Chair Berg's
15 Leadership, representatives from every utility in
16 California, every car company in California, and the
17 California New Car Dealers Association have developed and
18 agreed upon the framework.

19 This is really a critical time in the ZEV market
20 we chose the -- kind of the puzzle piece theme of the
21 presentation, because the pieces are coming together, but
22 we have a long way to go, if we're going to meet the goals
23 of the legislature, the Governor, and this Board, and the
24 State of California.

25 So it's really important that we act. It's

1 important that we cat act now, and that's what we're
2 asking you to do to approve the proposal.

3 --o0o--

4 MR. DOUGLAS: The utilities and the automakers
5 unanimously support the adoption of the staff's proposal.
6 And just so you know the framework we develop provides a
7 statewide clean fuel reward for plug in electric vehicles
8 of about a maximum of \$2,000 at the time of purchase.

9 It's funded by a portion of the utilities, LCFS
10 residential base credits. And we still have a lot of work
11 to do. We can't do anything -- any of that work until the
12 Board approves this, so we ask you to approve it now. And
13 we're committed to working together and expanding our
14 stakeholder group as we move forward.

15 --o0o--

16 MR. DOUGLAS: Finally, I just wanted to quickly
17 give you some of the highlights on the clean fuel, what
18 our guiding principles were. Clearly, we want to
19 accelerate the sales of cars that replace gasoline with
20 electricity. That's the number one target. We wanted to
21 provide a substantially larger reward than what the
22 utilities were already providing. We wanted to make it
23 simple for the dealers to implement and administer. We
24 wanted to make it simple for the customers as well to
25 understand.

1 We wanted to support the utilities local
2 complimentary programs that they offer to their customers.
3 So programs like EV outreach and awareness, utility grid
4 planning adoption of time-of-day or time-of-use planning.

5 And we -- finally, we want to compliment the
6 local, State, and federal programs such as CDRP, HOV
7 stickers, the federal tax credit, and the equity programs
8 that the utilities provide.

9 I'd also like to -- at this point, I'd like to
10 turn it over to Eileen Tutt with CalETC and I'd like to
11 thank her and her group for their efforts on this.

12 MS. TUTT: And I'd like to thank Steve for
13 pushing the clicker for me.

14 --oOo--

15 (Laughter.)

16 MS. TUTT: So in terms of governance, following
17 the adoption of the LCFS, the joint auto and utilities
18 would like to continue to work with CARB to execute a
19 governance agreement for the clean fuel reward program.

20 The governance structure would clearly identify
21 the utility's responsibilities, the management structure
22 for the program, and the accountability metrics to measure
23 program success.

24 The joint auto and utility group also supports a
25 third-party administrator to administer this program. And

1 that administrator would be funded -- would be overseen by
2 the funding utilities.

3 Thank you, Steve.

4 --o0o--

5 MS. TUTT: To ensure the financial stability of
6 the clean fuel reward and avoid stops and starts or
7 uncertainty. The clean fuel reward will establish a
8 beginning balance, which is really important to cover just
9 the upfront costs the, start-up costs, including
10 administration, and the first few year to three years of
11 implementation.

12 We also want to make sure there is a strong cash
13 reserve, so there's a -- so we do not end up in the red.
14 We don't end up having to stop the program as has
15 sometimes happened in some of the other reward or rebate
16 programs. And then finally we want to make it very clear
17 that the principal goal of this joint group is to make
18 that reward as high as possible. We don't want a giant
19 reserve. We want to spend this money the way this Board
20 directed us to do, and we're all very supportive of that.

21 Utilities and the automakers jointly created a
22 cash flow model, and that model is particularly
23 sensitive -- I just wanted to make sure that you know this
24 to the LCFS credit value, per ton valley of the CI of
25 electricity, and the EV adoption curve.

1 --o0o--

2 MS. TUTT: With the Board's approval, CARB would
3 like to continue to work with CARB and the utilities and
4 automakers to improve that model.

5 This slide just gives you an idea of the
6 timeline. And as Steve said, you can see from the ZEV
7 adoption curve, that this is an absolutely critical time.
8 We really need you to adopt this regulation today.

9 We are -- in turn -- we are looking at finalizing
10 the governance agreement by the end of this year, and
11 with -- along as this gets approved today, we want the
12 CPUC process to be completed by mid-2019, and we intend to
13 work with them very collaboratively.

14 We would like to hire a statewide administrator,
15 and get that person on Board by mid-2019, and then
16 implement this program by the end of 2019.

17 --o0o--

18 MS. TUTT: It's really important to note that the
19 utilities have all begun to implement very important
20 programs in their local utility districts or utility --
21 their -- sorry -- their service territories, and those
22 programs are working.

23 --o0o--

24 MS. TUTT: As the utilities develop to these
25 programs in their service territories, they worked

1 together to come up with some shared goals. They
2 definitely want whatever programs they implement locally
3 to benefit both current or future customers. And they
4 want to accelerate for the market for vehicles that use
5 electricity as a fuel and remove any barriers.

6 In coming up with these programs, the utilities
7 did research to look at what are the barriers, and what is
8 the utility's role in effectively overcoming these
9 barriers. They also worked with their public utilities
10 commission, if they were investor-owned utilities. And
11 municipal utilities not only worked with their governing
12 boards, they also, in some cases, held town hall meetings
13 to find out what their customers wanted in their service
14 territories.

15 Some examples of these programs, just to give you
16 an idea. There are equity programs that make driving
17 electric vehicles available to everyone, whether they're
18 in low-income communities or disadvantaged communities.
19 They have secondary market incentives, so that means used
20 vehicle incentives, if you will. They have -- almost all
21 the utilities are investing in fueling infrastructure,
22 particularly focused on low-income and disadvantaged
23 communities. They have customer outreach and education
24 programs, and they're looking at dealership outreach and
25 assistance.

1 --o0o--

2 MS. TUTT: So with that, please, Mary -- sorry,
3 Chair Nichols, strong support and thank you.

4 (Laughter.)

5 CHAIR NICHOLS: Well, thank you. I have been
6 following the progress of these discussions through
7 occasional reports from my Vice Chair. So I'm very
8 pleased with how this has come together. And it's not
9 done yet. I understand we've got quite a bit of work to
10 do, but I'm very optimistic that we're going to get to the
11 point where we can do something really significant in
12 terms of creating an incentive for electric vehicles and
13 taking advantage of this very clean fuel that we now have
14 quite a lot of available. So this is great. Thank you.
15 Thank you, both.

16 Okay. I believe we now turn to the regular
17 witnesses, yes?

18 Do we have a lists

19 No.

20 Do we have a list?

21 Yes, here it is.

22 Okay. So I am going to ask you to be as brief as
23 possible. But we welcome all of you, even those who
24 aren't in support, bet especially those who are in
25 support.

1 Okay. So let's start with --

2 (Laughter.)

3 CHAIR NICHOLS: -- Scott Hedderich.

4 MR. HEDDERICH: There we go.

5 So five minutes to good evening.

6 First is an interesting position. So I think --
7 quickly, Scott Hedderich with Renewable Energy Group. We
8 are the largest provider of biomass-based diesel in North
9 America. We have 12 plants in the U.S. and two in Europe.
10 And we are a significant supplier of both renewal diesel
11 and biodiesel to the California market.

12 Rather than talk about a whole host of provisions
13 of which, as you know there's several in the amendments, I
14 maybe want to take a different tact[SIC], and hopefully be
15 brief in doing it.

16 This is an excellent process and an excellent
17 program, and one that works. The staff - and it would be
18 great if we could name them, but there's frankly too
19 many - have been terrific this year in engaging all the
20 stakeholders. Mr. Corey runs an excellent shop, and all
21 of his folks are to be commended. We've had numerous
22 meetings as both our own company, with our trade
23 associations, and I will never refer to a regulatory
24 process as enjoyable --

25 (Laughter.)

1 MR. HEDDERICH: -- but this was a very easy
2 process. We're very support of the package. Like I said,
3 in particular I do want to call out the alternative diesel
4 fuel provisions. I'm sure you're going to hear from other
5 folks about different pieces. This is innovative. I
6 don't think everyone will be happy with every ticky-tack
7 thing. But when you look at the piece as a whole, staff
8 should be commended. And I hope that quickly, whether
9 it's tonight or tomorrow, it's adopted, because it's the
10 right thing to do.

11 CHAIR NICHOLS: Thank you.

12 MR. HEDDERICH: Thank you.

13 MR. ECKERLE: Well, thank you very much for the
14 opportunity to speak. I'm Tyson Eckerle, the Deputy
15 Director for zero-emission vehicle infrastructure of the
16 Governor's Office of Business and Economic and
17 Development. And hopefully that's the longest statement
18 I'll make tonight.

19 (Laughter.)

20 MR. ECKERLE: But we're in strong support of the
21 proposal, especially as it relates to the ZEV capacity
22 credits. It delivers on the Governor's Executive Order
23 that was issued in January, and we're really excited to
24 see it. I think as you know our ZEV future really depends
25 on infrastructure, and the LCFS capacity credits are key

1 in their innovative policy, mainly because they're
2 scalable.

3 And what this market real needs now at this point
4 to meet our long-terms goals is scale. And it also
5 encourages renewable fuels, which we're very excited
6 about. So thank you to the Board. Commend the Board and
7 the staff for everything you've done and strong support.
8 Thanks.

9 CHAIR NICHOLS: Thanks for being here.

10 MS. DONNETTE: Good evening. I'm Erin Donnette
11 from World Energy. We're submitting written testimony, so
12 I'll be very quick and just make a few points. Our
13 Paramount facility, formerly AltAir, is California's
14 largest advanced biorefinery, and the world's first and
15 only renewable jet facility.

16 We applaud CARB's commitment to the LCFS, and
17 encourage the program's readoption. We're also especially
18 grateful to the -- from the -- sorry for the hard work of
19 the staff on the inclusion of aviation fuels as an opt-in
20 fuel.

21 Thank you.

22 CHAIR NICHOLS: Thank you.

23 Good evening.

24 MR. KOEHLER: Hello. Chairman Nichols, Board
25 members, my name is Neil Koehler. I am the CEO of Pacific

1 Ethanol. We're California's largest low-carbon ethanol
2 producer. And next week I will also become the chairman
3 of the National Renewable Fuels Association. I'm here on
4 behalf of both my company and the RFA.

5 Under your leadership, the LCFS has been a
6 remarkable success. And ethanol has played a significant
7 role in helping to achieve the program's ambitious goals
8 contributing 45 percent of its carbon reduction's program
9 to date.

10 We truly appreciate the professionalism,
11 transparency, and hard work of staff in working with all
12 stakeholders in preparing these amendments for your
13 consideration. We support the LCFS and your adoption of
14 the program amendments being proposed today. For future
15 consideration, I'd like to provide our perspective on an
16 important and valuable opportunity.

17 Facilitating the use of higher blends of low
18 carbon high octane ethanol, and other biofuels could
19 accelerate reductions in GHG emissions from California's
20 transportation sector.

21 The ethanol industry is responding to the market
22 signals of the LCFS by significantly reducing the carbon
23 intensity of our fuel. Allowing for higher blends of
24 lower carbon ethanol would, in turn, help significantly
25 with further carbon reductions and are compatible with

1 existing infrastructure and automobiles.

2 We're proud to be a primary contributor to the
3 LCFS's success, and look forward to further driving down
4 our carbon intensities in response to the program's goals
5 and market-based incentives.

6 Thank you.

7 CHAIR NICHOLS: Thank you.

8 MR. NEAL: Good evening, Madam Chair, members of
9 the Board. My name is Shelby Neal. I serve as a director
10 of State Governmental Affairs for the National Biodiesel
11 Board.

12 By way of background, the MBB is the national's
13 trade association for biodiesel and renewable diesel
14 producers. We are thrilled with the LCFS, very supportive
15 of this package. We view ourselves as one of the many
16 success stories from the Low Carbon Fuel Standard. Our
17 volumes in the state have increased from 14 million
18 gallons when the program began to more than half of a
19 billion last year. And according to modeling, we'll
20 around a billion in 2020.

21 In addition to the climate benefits, we also have
22 shown economic benefits. There are eight biodiesel plants
23 in the -- in the state now, one renewable diesel plant.
24 Those are geographically dispersed from as far south as
25 San Diego and Coachella to as far north as Lake Tahoe.

1 So we are all over the state creating jobs, and
2 that is, in short, from the low-carbon stand. When we're
3 asked what could be done to continue to succeed, the
4 answer is regulatory certainty. The reason we're so
5 support of this package is because it does that. It gives
6 us certainty through 2030 in conjunction with the ADF
7 provisions, as well as the carbon intensity benchmarks,
8 and carbon intensity modeling through GREET, which is
9 extremely accurate. That sounds easy to do, but is very
10 hard to do.

11 We are extremely appreciative of the relationship
12 we have with staff. Richard Corey runs the best shop in
13 the country. He's to be commended for that. And we urge
14 you respectfully to adopt this as soon as possible, 7:00
15 o'clock would be ideal.

16 Thank you.

17 (Laughter.)

18 CHAIR NICHOLS: Thank you.

19 MR. PELLENS: Good evening, Chair Nichols,
20 members of the Board. I'm Brian Pellens. I'm with
21 California Resources Corporation. CRC is the largest
22 independent oil and natural gas company in California.
23 Our workers, properties, facilities, investments are all
24 located in California. We're headquartered in Los
25 Angeles.

1 CRC is vested in the success of California's
2 greenhouse gas reduction goals and Low Carbon Fuel
3 Standard. We seek to take a leading role in reducing the
4 carbon intensity of our own products. We've established
5 2030 sustainability goals that include, number one, a 50
6 percent reduction in methane emissions; number two,
7 increasing our renewable energy production by 10
8 megawatts; and number three, designing and permitting a
9 CCS project at our flagship Elk Hills Field that would, if
10 permitted, funded, and installed, reduce CRC's carbon
11 dioxide emissions by 30 percent.

12 In the revised innovative crude provisions, CARB
13 has proposed to not credit, book, and claim for renewable
14 natural gas used as a process fuel. Similarly, book and
15 claim is not allowed as accredited electricity source for
16 solar that's not directly connected to the field. And I
17 think, in short, that we're missing a great opportunity to
18 get both RNG and electricity into the transportation
19 system under the Low Carbon Fuel Standard.

20 And it also is in alignment with several recently
21 passed laws, namely SB 1383, which seeks to reduce methane
22 emissions. We'd have the opportunity to export that great
23 law around the country. In addition, recently passed AB
24 3187 and SB 1440, both which deal with renewable natural
25 gas.

1 In summary, CRC views the requirement for
2 physical direct supply of RNG and solar energy to crude
3 oil production facilities as missed opportunities.

4 Thanks for your time.

5 CHAIR NICHOLS: Thank you.

6 MR. BARRETT: Good evening. I'm Will Barrett
7 with the American Lung Association. The Lung Association
8 and many of our colleagues in the public health community
9 have been strong supporters of the LCFS over the years on
10 public health grounds. We support the adoption of the
11 strong 2030 target, because it creates a big umbrella for
12 an innovation for public health protection, and a wide
13 variety of cleaner fuels to contribute to meeting our
14 clean air and climate change needs.

15 We see the LCFS as a key driver of cleaner fuels
16 that continues to evolve for the better. The amendments
17 just strengthen that signal that you're considering right
18 now.

19 We strongly support the great signal for
20 electrification in the heavy-duty sector, creating and
21 updating signals -- the credit signal for freight
22 equipment. Transportation and refrigeration units,
23 heavy-duty trucks and buses are important to pushing that
24 sector towards electrification as quickly as possible.

25 On the light-duty sector, we very much applaud

1 your works, Ms. Berg, for pushing forward on the
2 point-of-purchase program. This has been a long-time goal
3 that we've supported and we're really heartened to see
4 this moving forward.

5 We also support and appreciate all the work that
6 the automakers and the utilities put forward to make that
7 happen. As that goes forward, we would like to see
8 anywhere that we can make possible recommendations for
9 greater incentive for lower and moderate income consumers
10 to really help accelerate those choices and make them more
11 real on the hood.

12 On the hydrogen and fast charging provisions, we
13 certainly appreciate the goals and the need to build out
14 the infrastructure, and would only ask that as this piece
15 moves forward that the Board really does take a hard look
16 at any changes, or unintended consequences, or cost
17 effectiveness challenges that might arise as that moves
18 forward.

19 We do very much appreciate the need to expand the
20 infrastructure we need for zero-emission technologies and
21 hydrogen technologies, and would just say that over the
22 course of this program, that course corrections have
23 been -- played a very important role, and we expect
24 nothing else from this Board.

25 So I'd just say overall we appreciate the

1 alignment of the LCFS with the goals for greater
2 electrification from a public health perspective, so thank
3 you all very much.

4 CHAIR NICHOLS: Thank you.

5 Jens Kaiser?

6 George Peridas?

7 MR. PERIDAS: Chair Nichols, Vice Chair Berg,
8 members of the Board, I'm George Peridas with NRDC to
9 cover the CCS protocol today.

10 CCS is a critical technology that can facilitate
11 deep decarbonization for California, and other
12 jurisdiction. The recent passage of SB 100 and the
13 Governor's carbon neutrality Executive Order place added
14 importance on its deployment. This CCS protocol under
15 consideration today is the most comprehensive piece of CCS
16 regulation ever assembled.

17 It is the product of diligent and thorough work
18 by an extremely capable and professional team of staff
19 over the past several years, and we are indebted to ARB
20 staff for this landmark contribution to CCS regulation.

21 None of -- none of the pitfalls of past
22 subsurface leakages that we have closely examined would
23 ever remotely make it through this protocol, which
24 avoids -- or sets new standards for regulation of the
25 subsurface. In short, we strongly urge the adoption of

1 the protocol today, and I will curtail my praise for this
2 product in the interests of time.

3 We also support the provisions and resolution
4 18-34 that call for the continual improvement of this
5 document. It is important for a document of this nature
6 to remain current with technology, and to be improved
7 through experience.

8 However, I must raise one issue and I'm not doing
9 so lightly, especially given the lateness of the hour and
10 the workload upon you today. We continue to have concerns
11 about the post-injection monitoring provisions in the
12 protocol, which appear to us to be dictated more by desire
13 for consistency with the forestry protocol, a largely
14 unrelated activity, than by current science.

15 The protocol mandates post-injection monitoring
16 to continue over 100 years, but severely limits the
17 monitoring methods that should be used, presumably in
18 order to contain costs. As a result the environmental
19 protection afforded by the proposed monitoring take a
20 hit.

21 We have also heard repeatedly from numerous other
22 stakeholders that these provisions may also coincidentally
23 be problematic for project development.

24 We have submitted a resolution language, which is
25 in your materials in front of you, that would take care of

1 this -- of this problem, and could call for a risk-based
2 reevaluation of these monitoring provisions. We think
3 that it's important for this agency to get it 100 percent
4 right. So we urge passage of the protocol subject to
5 hopefully these revisions, and we ask for the Board to
6 provide specific guidance today to that effect.

7 Thank you very much.

8 CHAIR NICHOLS: Thank you.

9 MS. NAGABUSHAN: Good afternoon. My name is
10 Deepika. I'm from Clean Air Task Force. Briefly, our
11 mission is to decarbonize the global energy system.

12 And I'd like to point out that 45 years worth of
13 geologic sequestration records suggest that atmospheric
14 leakage of CO2 from properly sited geologic reservoirs is
15 extremely unlikely. So given this, CCS -- or carbon
16 capture and geologic CO2 storage can play a really
17 important role in the LCFS. So I want to congratulate ARB
18 for including this in their -- under the LCFS, and we
19 fully support the adoption of the CCS protocol into the
20 LCFS.

21 We also appreciate the opportunity to have
22 commented and being part of the, you know, discussions and
23 part -- and we appreciate that some of our recommendations
24 have been included in past. Of course, just like George
25 just mentioned, one thing that we have communicated in the

1 past is the -- is that the risk-based approach to
2 monitoring and verification, it will provide the greatest
3 security for the stored CO2, so we would -- we would
4 definitely want to work together to further improve the
5 protocol to adopt a risk-based monitoring and verification
6 approach.

7 To this end, CATF joins the recommendation that
8 was just made by George and requests that the Board adopt
9 the resolution that is presented before you in the
10 printout. Additionally, I also want to add that the
11 recently set goals of 100 percent clean electricity and
12 carbon neutrality -- economy-wide carbon neutrality by
13 2045 and the maintaining of net negative emissions
14 thereafter makes the CCS protocol all the more important
15 than it was before.

16 So CCS may not only play a role in the LCFS or
17 cap and trade, but it will most certainly play a role in
18 the pursuit of negative missions through the use of direct
19 air capture, and bioenergy CCS.

20 So in all, once again, thank you so much. Fully
21 support the protocol. Would love for you to accept the
22 resolution language.

23 Thank you.

24 CHAIR NICHOLS: Thank you.

25 MR. UEANTEN: Good evening. My name is Norm

1 Ueanten. And I am the director of sales and marketing at
2 Crimson Renewable energy. I would like to thank the ARB
3 senior leadership and staff for their hard work on this
4 critical program. Crimson has been producing biodiesel
5 since 2011, and has been California's largest producer of
6 biodiesel since 2014.

7 The economic contribution driven by LCFS is
8 tangible and sizable. In 2017, our facility directly
9 contributed approximately \$16 million to the California
10 economy, much of it in the disadvantaged communities
11 surrounding Bakersfield in the Central Valley.

12 We employ 37 full-time staff. These are
13 high-paying skilled jobs with our non-management staff
14 earning an average annual wage of \$65,000 in 2017. In
15 addition to our staff, we hire dozens of contractors at
16 various points throughout the year to help with our
17 maintenance and our plant expansion.

18 Base on the growth and demand generated by the
19 LCFS, we recently broke ground on a plant expansion that
20 will increase our production by 50 percent. Our
21 Bakersfield biodiesel plant would not exist if the LCFS
22 had not created the demand for cleaner burning low and
23 ultra low carbon fuels.

24 I am proud to say that the biodiesel crimson
25 produced in 2017 generated carbon savings equivalent to

1 removing 49,000 cars off the road of California.

2 As we look to a future where LCFS is moving
3 California to a 20 percent carbon reduction in its
4 transportation fuel sector by 2030, we believe biofuels
5 will continue to play a critical role in achieving these
6 carbon reductions. And we anticipate continued investment
7 by Crimson and many others in attendance at this Board
8 meeting. I'd like to thank the senior ARB leadership and
9 staff for engaging with both the renewable and petroleum
10 industries, as we work together on the LCFS and towards a
11 cleaner California.

12 Thank you.

13 CHAIR NICHOLS: Thank you.

14 You can use, by the way, the other mic if it's
15 closer.

16 MR. MYERS: Good evening. My name is Amanda
17 Myers. I'm here on behalf of ChargePoint. ChargePoint is
18 the leading electric vehicle charging network in the
19 world. Thank you very much for the opportunity to
20 comment, given Executive Order B-48-18. Enhancements and
21 amendments to the LCFS Program in this rulemaking cycle
22 are critical to reach the state's ambitious goals.

23 While we strongly -- ChargePoint strongly supports
24 the increased opportunities for credit generation for
25 electricity as a fuel. While we strongly support, we have

1 two recommendations for further improvement and future
2 consideration.

3 First, ChargePoint strongly recommends
4 re-considering keeping out -- keeping opt-in EDUs as the
5 eligible credit generator for electric vehicle charging at
6 multi-family residences. The entity-owning FSE and
7 multi-family residents should be able to generate credits,
8 for a couple of reasons. Multi-family residences are
9 typically very underserved when it comes to EV
10 infrastructure. So if EV charging at multi-family
11 residences is its own category, credits could go directly
12 to the multi-family residences, reducing payback period
13 for their investment, and creating funds to purchase more
14 chargers and cover installation costs.

15 Additionally, ChargePoint believes that allowing
16 multi-family residences to be able to collect credits will
17 promote equity, breaking the cycle of predominantly lower
18 income Californians from being locked out of clean
19 technology due to energy poverty.

20 ChargePoint -- additionally, ChargePoint
21 recommends revisiting the residential incremental credit
22 hierarchy as we move forward to continue to improve it
23 over time.

24 Thank you, Board and staff again for the
25 opportunity to comment and all of the hard work on this

1 program.

2 CHAIR NICHOLS: Thank you.

3 MS. DENSMORE: Good evening, Chair Nichols and
4 members of the Board. I'm Maris Densmore. I'm with
5 California Resources Corporation. I'm a geologist in
6 government affairs and regulatory affairs manager.

7 CRC, my company, is committed to pursuing
8 geologic sequestration of carbon including at our largest
9 field, which is Elk Hills in Kern County. It is a 72
10 square mile oil and gas field, and it already includes a
11 550 megawatt power plant on site.

12 As a licensed geologist in the State of
13 California myself, I encourage CARB to incorporate
14 flexibility in the provisions to allow for alternatives to
15 the post-injection site closure monitoring. Geology for
16 the sites and infrastructure and other factors demand
17 site-specific monitoring plans with room for alternatives
18 to both monitoring methods and durations.

19 So CRC is looking forward to working with CARB
20 and other stakeholders to pursue safe, economically viable
21 geologic sequestration projects to help achieve
22 California's very ambitious climate goals.

23 Thanks.

24 CHAIR NICHOLS: Thank you.

25 MR. DO: Good evening, Chair Nichols and members

1 of the Board. I appreciate the time here today. I know
2 it's late. My name is Kim Do. I'm director of FPNA with
3 White Energy, Inc. We are a major ethanol provider to the
4 State of California, and have been a long-time partner of
5 the LCFS through all of its iterations so far.

6 I'm here to voice support for the LCFS, as well
7 as the inclusion of the CCS protocol, much -- much like
8 some of the other speakers here, I do have some concerns
9 regarding the non-risk based approach for the 100-year
10 permanence. We ask that you look at the resolution that
11 has been put forth for you today, and take more of a
12 performance based approach as these projects are long
13 lived, and these projects have a long lead time.

14 You can take the information that as we engineer
15 and design those new projects, and employ a protocol that
16 will fairly reward innovative changes to how this
17 technology is deployed.

18 Thank you for your time. And again, I fully
19 support the LCFS and inclusion of CCS. Thank you.

20 MR. CULHANE: Chair Nichols, this originally said
21 good morning --

22 (Laughter.)

23 MR. CULHANE: -- then it said good afternoon.

24 (Laughter.)

25 CHAIR NICHOLS: Well that take -- that -- forget

1 it.

2 BOARD MEMBER GIOIA: In a few more hours, it will
3 be good morning.

4 MR. CULHANE: It will be good night.

5 So we'll get to good night, hopefully.

6 I'm Myles Culhane. I work for Occidental
7 Petroleum Corporation. Occidental strongly supports the
8 amendments to the Low Carbon Fuel Standard, and the
9 quantification methodology that CARB has created to
10 quantify the fuel pathways, as well as the resolutions
11 before the Board for adoption of the carbon capture and
12 sequestration protocol, as well as that resolution filed
13 by George Peridas with NRDC.

14 We are heartened by CARB staff's engagement
15 enthusiasm and energy in engaging with us during this
16 process of developing this rule. The protocol is
17 rigorous. It requires a submittal of 15 plans -- no less
18 than 15 plans. I haven't fully counted, but I estimate
19 approximately 800 provisions that a carbon capture and
20 sequestration project will have to meet. This is
21 critically important, because we need a protocol that
22 we -- that can withstand scrutiny by the public and that
23 will give you the assurances that any CO2 that we inject
24 into the earth will remain there permanently. This is
25 also important because we already inject two and a half

1 billion standard cubic feet of CO2 per day from naturally
2 occurring sources.

3 That's approximately one trillion standard cubic
4 feet per year. We would like to replace as much of that
5 as possible with anthropogenic CO2 for use in our floods.
6 That is approximately 15 -- 57 million tons of CO2 on
7 annual basis.

8 Occidental and White Energy, the prior speaker,
9 have already announced an engineering study to look at
10 carbon capture technology and its application for ethanol
11 production.

12 And we intend -- we fully intend to be first in
13 line to seek CARB's permanent certification upon passage
14 of the LCFS amendments, as well as the approval of the CCS
15 protocol. We look forward to working with CARB staff on
16 implementation issues, and we thank you for your time.

17 CHAIR NICHOLS: Thank you.

18 MR. BRUNELLO: Hello. My name is Tony Brunello.
19 I'm representing Conestoga Energy Partners. I can be very
20 brief, largely because your staff have spent so much time
21 with us over the last two years. Richard has definitely
22 got too much love tonight, so I wanted to call a shout-out
23 to Sam Wade and his staff who have spent a considerable --

24 (Laughter.)

25 MR. BRUNELLO: -- amount of time, as well as many

1 other folks. So thank you.

2 The two things, that we'd like to support the
3 LCFS program and the CCS adoption, as well as some of the
4 revisions that NRDC mentioned. I also wanted to call out
5 Anil Prabhu who was extremely helpful with Sam and some of
6 the other staff, specifically on some of the revisions to
7 the GREET model. Really was able to update that model to
8 have a more realistic assessment of sorghum across the
9 country.

10 Thank you. Appreciate it.

11 CHAIR NICHOLS: Thank you.

12 MS. ROEDNER SUTTER: Good evening. I'm Katelyn
13 Roedner Sutter from Environmental Defense Fund. Thank you
14 very much for the opportunity to comment on this item.
15 And more importantly, thank you for your leadership on
16 LCFS. This is a proven tool to reduce pollution and an
17 integral part of the fabric of California's environmental
18 policy, so thank you.

19 EDF has been working on this and other climate
20 policies in California for many years. And in 2015, we
21 co-published a study quantifying the benefits of the LCFS
22 and the cap-and-trade programs. The results of that study
23 hold true today. By transitioning the state's
24 transportation system to cleaner fuels and a more diverse
25 vehicle fleet, these programs will result in cumulative

1 savings of over \$10 billion by 2020, and over 23 billion
2 by 2025. These savings are in greater energy security,
3 decreasing climate pollution, and decreasing local
4 pollution that harms public health.

5 It's an essentially component of the shift away
6 from fossil fuel consumption. Carbon capture and
7 sequestration is also an issue EDF has been working on for
8 every years in California and nationwide, and we're
9 pleased to see a protocol included in the LCFS package.
10 CCS is an important part of the energy -- energy sector's
11 solution to climate change. And the work by ARB staff has
12 been important to move this issue forward.

13 At the same time, we also support the resolution
14 before you related to a technical fix to the protocol's
15 provision on monitoring. Separately, at the next LCFS
16 amendment opportunity, we'd like CARB to re-examine if the
17 hydrogen infrastructure provisions are set at an efficient
18 and appropriate level.

19 But with that being said, I'm pleased to offer
20 our comments in support of this key climate policy.
21 Extension of the LCFS is an important part of California
22 meeting its emission targets and improving our air quality
23 for all residents.

24 Thank you.

25 CHAIR NICHOLS: Thank you.

1 MS. McDUFF: Good evening Chair Nichols, Board
2 members. Thank you for this opportunity this evening. My
3 name is Pat McDuff, and I'm CEO of California Fueling. My
4 company was is the first to obtain an Executive Order for
5 an ADF NOx mitigant. We have since registered two
6 additional products. I'm a resident of California. My
7 company operates exclusively in California, and was formed
8 as a result of the ADF.

9 I have 30 years of experience with fuels and fuel
10 additives. I've submitted two Documents raising concerns
11 about bifurcation. I've placed in the record today
12 another document objecting to bifurcation. In summary,
13 CARB's view of the biodiesel marketplace is in error as
14 evidenced by the response to comments FF02.

15 Today's letter seeks to set the record straight.
16 In the best use of time, I respectfully request that each
17 of you read our letter before finalizing your decision
18 today.

19 My company has spent the last three years
20 developing the B-20 market. I believe we have an accurate
21 view of the marketplace. And from our vantage point,
22 bifurcation doesn't make practical sense and it doesn't
23 make technical sense.

24 Most importantly, the market can simply not make
25 room for another fuel. There's also the downside risk

1 that biodiesel will not make its way in the off-road
2 market, in which case emissions would increase in areas of
3 high off-road vehicle population areas.

4 The ADF's NOx mitigant requirements are in its
5 infancy. We believe there are far more pressing needs
6 within the ADF, functional improvements that need to be
7 made to this regulation, as opposed to further
8 complication. And bifurcation is a complication.

9 My company has been very forthright with CARB on
10 many ADF improvements which need to be rectified in the
11 short term. To that end, we've provided a short list of
12 proposed regulatory changes that we believe will provide
13 CARB with the tools to better achieve the ADF's mission.

14 As an example, we have identified that the
15 existing ADF does not give CARB clear authority to address
16 an issued Executive Order that may have improvidently been
17 granted. I realize I am over time. Madam Chair, I'd just
18 ask for a few more seconds, since I've been here since
19 9:00 o'clock in the morning.

20 CHAIR NICHOLS: We'll let you finish your
21 comment.

22 MR. McDUFF: Thank you.

23 We've raised concerns about an EO that was issued
24 where the representation was made in the EO that testing
25 was done according to approved written protocols, but

1 where we have since been told by both the testing facility
2 and CARB staff that an oral modification to the testing
3 protocols was approved by CARB staff.

4 When presented with these concerns, CARB has
5 taken months to investigate, and, despite repeated
6 assurances, still has not reached a resolution. It
7 appears to us that CARB has been unable to determine
8 whether it has the authority to require further supporting
9 information or if it has the authority to suspend or
10 withdraw an EO.

11 Moreover, CARB has apparently not analyzed what
12 would happen to tax credits generated based on an EO that
13 is suspended or withdrawn.

14 Regardless of the instant issue we have raised to
15 CARB, it is clear to us that CARB should be provided with
16 clear unambiguous regulatory authority as to how to
17 proceed when faced with questions to an already issued
18 Executive Order.

19 CARB should be provided with the tools to
20 promptly address these sorts of issues, in an equitable
21 fashion, equitable to the applicant, competitors, and
22 consumers, who are acquiring the product and the
23 associated tax credits, while at the same time making sure
24 a product is not causing harm to the environment.

25 Thank you. And I apologize for going over time.

1 MR. UMENHOFER: Good evening, Chair Nichols and
2 members of the Board. My name is Tom Umenhofer. I'm vice
3 president of operations for the Western States Petroleum
4 Association.

5 And first, I want to acknowledge for those of us
6 are both 617 and LCFS people, I want to acknowledge your
7 thoughtfulness and your endurance through this day. It's
8 been quite a day. And I also wanted to express
9 appreciation for staff for the process.

10 We've had so many opportunities for public
11 outreach. It's just been tremendous. In fact, my family
12 has said to me I spend more time with Sam and his staff
13 than I do with them. I knew that was wrong, so I came up
14 with a solution. I invited them to the workshops.

15 (Laughter.)

16 MR. UMENHOFER: So I would like to make three
17 quick points tonight. The first one, I want to express
18 appreciation and improvement of the refinery investment
19 credit program, which we've worked on so hard. The
20 program can now incent short -- short -- or near-term,
21 rather, improvements that are often with environmental
22 co-benefits. And then in the longer term, I think it's
23 going to incent transformational technologies, which is
24 what we're all looking for.

25 And finally for WSPA, the program reflects the

1 type of fuel neutrality, which we feel is essential to the
2 LCFS regulations.

3 Point two is in regard to CCS, which you've heard
4 a little bit about already tonight. We're supportive of
5 CCS. We think there are a couple of aspects that still
6 need to be worked on. And I think you heard a little bit
7 of that tonight, the hundred year post-project site care
8 requirement. And also we want to make sure that the CCS
9 program is written in such a manner that CCS regulations
10 and other jurisdictions will actually be accepted here.

11 And to that end, we hope that as we go into next
12 year we'll up -- continued discussions and work on the CCS
13 protocol.

14 And then the final item that I had, if you don't
15 mind, some -- unfortunately, at the end, it's the most
16 important one. And my third point is I think we're at a
17 critical pivotal point of the LCFS program, in terms of
18 feasibility. And so what I would like the Board to do is
19 encourage staff to engage in conversation with regard to
20 cost containment.

21 Clearly, cost containment is the next step
22 towards completing the LCFS process to make it work for
23 everybody. I think you've heard it before and I think
24 staff is well aware of it. So we would encourage you to
25 push forward and have us have that critical discussion on

1 cost containment.

2 Thank you very much.

3 CHAIR NICHOLS: Okay. Thank you. As you know,
4 we're dealing with a package here and we have been on a
5 course of doing updates to this rule on very regular
6 basis. So while we may not deal with all of your issues
7 in this context, you can be sure that we'll continue to be
8 addressing them.

9 So who's next?

10 There you are. Hi.

11 MR. NOYES: Good evening, Chair Nichols, members
12 of the Board. I've got two distinct comments here. Each
13 one I think I can do in 15 seconds. First one is Noyes
14 Law Corporation on behalf of the alternative jet fuel
15 producers users. That's World Energy Paramount, Neste,
16 Velocys, Red Rock, Gevo, and Fulcrum. We stand in strong
17 support of the proposal here, appreciate all the great
18 work that staff has done with us. No caveats nor
19 requests.

20 Second, on behalf of the Low Carbon Fuels
21 Coalition, we stand in strong support of the program
22 extension to 2030, and the carbon intensity reductions,
23 again no caveats or requests here.

24 And wonderful work done by all on this program.
25 I'll see you all in the morning on the LEV III.

1 Thank you.

2 CHAIR NICHOLS: Okay.

3 (Laughter.)

4 CHAIR NICHOLS: Right. Rocky Rushing.

5 MR. RUSHING: Chair Nichols, Board members.

6 Thank you so much. I'm with Coalition for Clean Air. In
7 the name of brevity, I've cut out all my finely crafted
8 transitions in my talking points. So I'll just rolling
9 one from one boiled down point to the next.

10 CCA supports the adoption of the 2030 Low Carbon
11 Fuel Standard. CCA supports the 2030 target for reducing
12 the carbon intensity of transportation fuels by 20
13 percent. We believe 20 percent is well within reach and
14 could easily be exceeded through the continued expansion
15 of alternative fuel options.

16 CCA supports the creation of an on-the-hood clean
17 fuel reward toward the purchase of a new electric vehicle.
18 We also support the greater incentives for low-income and
19 moderate-income consumers for the purchase of an EV.

20 We also support staff's recommendation to set
21 rebate amounts based on battery capacity. CCA would like
22 to see the point-of-sale program hit car lots throughout
23 the state no later than the fourth quarter of 2019.

24 Lastly, regarding the amendment related to
25 capacity credits for fast charging and hydrogen fueling

1 infrastructure, if this amendment does move forward, we
2 believe a thorough review of hydrogen station capacity
3 credit generation is warranted to ensure that the
4 environmental benefits of the program are not diluted by
5 inflated credit generation that does not reflect actual
6 low carbon fuel deployment.

7 Thank you so much for your consideration, and all
8 your hard work.

9 CHAIR NICHOLS: Thank you.

10 MS. KAPOOR: Good evening, Chair Nichols and
11 members and Board members. Nina Kapoor of the Coalition
12 for Renewable Natural Gas. We are a non-profit
13 organization based in California that provides public
14 policy advocacy on behalf of the RNG industry in North
15 America, including the producers of more than 90 percent
16 of the RNG participating in the LCFS today.

17 I'm here today to thank Board members and staff
18 for their hard work and due diligence in designing a
19 comprehensive and thoughtful regulatory package to
20 strengthen targets in the LCFS.

21 Board members, and especially Sam and his team
22 have spent countless hours with me, and with our members
23 working through numerous issues, most of which were
24 resolved to our satisfaction, and we greatly appreciate
25 that.

1 I will note that we did sign onto a letter asking
2 you to reevaluate the capacity crediting provisions based
3 on merit and efficacy at your earliest opportunity, and
4 support the resolution that's been circulated by that
5 coalition on this issue.

6 That being said, we're pleased to support the
7 package before you today, and look forward to continuing
8 to partner with you in decarbonizing transportation in
9 California.

10 Thank you.

11 CHAIR NICHOLS: Thank you.

12 MS. BASKINS: Madam Chair and members of the
13 Board, my name is Rebecca Baskins, Executive Director of
14 the California Advanced Biofuels Alliance, representing
15 producers, transporters, and retailers of biodiesel and
16 renewable diesel. As a result of the Low Carbon Fuel
17 Standard, we have multiple in-state facilities producing
18 tens of millions of gallons of a renewable low carbon
19 diesel replacement that is contributing to California's
20 climate change goals each and every day.

21 Along with these environmental benefits, these
22 facilities provide jobs and economic benefit to their
23 communities and the state. With the National Biodiesel
24 Board, we have worked closely with your staff on these
25 amendments before you.

1 We thank you for your work on this, and we
2 respectfully ask for your support.

3 CHAIR NICHOLS: Thank you.

4 MR. McDONALD: Good evening. Chairwoman Nichols,
5 Board, and CARB staff, my name is Brian McDonald. I am
6 representing Andeavor. Andeavor appreciates this
7 opportunity to speak before you regarding the proposed
8 changes to the LCFS regulation. Andeavor is a refiner and
9 marketer of transportation fuels sold here in the State of
10 California, therefore, a participant in the LCFS market.

11 Additionally, Andeavor supports and incorporates
12 the comments made by WSPA. First, thank you for the work
13 that Sam and his staff have done to advance large portions
14 of this regulation, specifically enhancing the refinery
15 investment credit program.

16 Directionally, these changes will allow Andeavor
17 to better evaluate and value process improvement projects
18 aimed at reducing the CI of the fuel that we produce.
19 Additionally, the buffer account is an encouraging step to
20 provide obligated market participants some form of
21 insurance in the event an entity is inadvertently
22 purchased invalid credits.

23 Once again, thank you for your time. We are
24 encourage by the progress in this rulemaking, and look
25 forward to working with staff in the future.

1 Thank you.

2 CHAIR NICHOLS: Thank you.

3 MS. KORADDI: Chairwoman Nichols, members of the
4 Board, good evening. I'm Nikita Koraddi with NRDC filling
5 in for Simon. I thank you for the opportunity to speak
6 today.

7 First, thank you to ARB staff and management who
8 have worked so hard over the past three years on this
9 effort in an open transparent manner with all
10 stakeholders. Not two weeks after hosting the GCAS,
11 California is again demonstrating bold leadership by
12 strengthen and extending the LCFS to 2030.

13 From it's inception 10 years ago, the LCFS has
14 now grown to become one of the State's heavy weight
15 climate fighters knocking out 40 million metric tons of
16 climate pollution to date, and increasing the use of clean
17 fuels in the state by 74 percent.

18 I want to provide NRDC's support for many of the
19 newer modified clean fuel pathways under the program.
20 This includes the creation of pathways for aviation
21 biofuels and the pathways to replace high carbon process
22 energy used in the petroleum industry with renewables like
23 biogas and solar thermal.

24 As our planet warms, as droughts and wildfires
25 become more common and affect the health and security of

1 so many of our communities, we'll need the entire array of
2 climate fighting technologies at our disposal.

3 On the clean fuels reward program for EV
4 customers, I want to express my appreciation for staff and
5 Board Member Berg's important and critical efforts to
6 convene stakeholders to reach alignment. It will make the
7 program more consumer friendly by having the value
8 returned at the point of purchase.

9 Finally, I know there have been some concerns
10 expressed by numerous stakeholders including NRDC around
11 the infrastructure-based crediting approach. Staff's
12 inclusion of limitations and guardrails around these
13 provisions are a good start to ensuring that crediting
14 doesn't get out of hand and we support the proposed
15 resolution for ARB staff to come back and make technical
16 adjustments as needed.

17 With that, I'd like to thank you and I urge the
18 Board to provide and aye vote and keep the LCFS
19 climate-fighting champion going strong in 2030.

20 Thank you.

21 CHAIR NICHOLS: Thank you.

22 Julia, hi.

23 MS. LEVIN: Good evening. Julia Levin with the
24 Bioenergy Association of California. Three quick
25 comments. And I echo the earlier comments thanking you

1 all for your endurance, and your leadership on these
2 issues.

3 First, we strongly support the increased goal of
4 20 percent by 2030, and I hope that we'll be back here
5 before long actually increasing that goal even further.

6 Second I want to echo the thanks for staff, and
7 especially, as I said a few months ago, the hearing on
8 LCFS. Staff responded very, very quickly about a mistake
9 in definition of biomethane, and did agree to revise that
10 definition and they have done so. And so I want to thank
11 staff for being so responsive.

12 Finally, I do want to echo many of the earlier
13 comments, and I think subsequent comments about the
14 infrastructure capacity credits. We're very concerned
15 about the role of these credits. We support additional
16 incentives to further the market as quickly as possible.
17 But one of the strengths of this program is its emphasis
18 on science-based lifecycle carbon intensity.

19 And so we think that whatever additional
20 incentives and credits should be offered should continue
21 to be based on carbon -- life cycle carbon intensity of
22 the fuels. And at a minimum if you're going to pick
23 particular technologies, which I understand was in
24 response to the Governor's executive order, those same
25 incentives should at least offered to other fuels and

1 technologies that provide the same or lower carbon
2 intensity.

3 So thank you very much and good luck.

4 (Laughter.)

5 CHAIR NICHOLS: Thank you.

6 MS. PHILLIPS: Good evening, Chairman Nichols,
7 and members of the Board. I'm Leticia Phillips with the
8 Brazilian Sugar Cane Industry Association, known to you as
9 UNICA. Our members comprise the vast majority of the
10 mills registered to export sugar cane ethanol from Brazil
11 to California, under the Low Carbon Fuel Standard. I
12 wanted to start by recognizing your leadership in this
13 program and the very hard work of Sam and his entire team.

14 We have historically supported the Low Carbon
15 Fuel Standard, and we continue to do so. But given that
16 this program serves as an inspiration for other states and
17 for my own county of Brazil with our Low Carbon Fuel
18 Standard that has been developed right now, we believe
19 that -- we have some concerns that we believe that should
20 be raised here tonight.

21 First, and our concerns are regarding to the
22 calculator -- the CI calculator for sugar cane ethanol.
23 The first concern is that the lack of sell --
24 self-declared mechanization input, and the assumption that
25 20 percent of cane crops in Sau Paulo and 35 percent of

1 cane props in the entire Brazil are burned for harvesting.
2 It's just too far from our reality.

3 The second concern is with the back haul
4 penalties for maritime transportation. Simply put, ships
5 coming from Brazil to deliver ethanol to California will
6 not go back empty to Brazil. We have not seen evidence to
7 the contrary, and we wish those were removed from the
8 calculator.

9 I just wanted to conclude by saying that we
10 understand and we support CARB's desire to enhance the
11 program. We have, as I said, historically it. And our
12 comments today are really to ensure that more sugar cane
13 ethanol will reach California tanks and ports.

14 With that said, thank you again for your
15 leadership and for all of the hard work towards this
16 program.

17 Thank you.

18 CHAIR NICHOLS: Thank you.

19 MR. MURPHY: Thank you, Madam Chair, members of
20 the Board. Colin Murphy on behalf of NextGen California.

21 Definitely want to extend my appreciation both to
22 you all for the endurance you're displaying, also to the
23 endurance of Sam and Jim and the rest of the LCFS team for
24 the many conversations they've had including the quite a
25 few that they had with me over the last year or so.

1 We've been a very strong supporter of the LCFS
2 for many years. Now, we think it's a critical and often
3 underappreciated part of California's climate portfolio.
4 And I look forward to being a strong supporter of the LCFS
5 for many years. We definitely support readoption of the
6 package that's before you. For the most part, it reflects
7 a lot of very strong improvements over the span of the
8 last year through the workshopping process.

9 There's one area we still have a real significant
10 concern and it echoes a lot of what several other speaks
11 before me, and a few who are coming after me, are going to
12 say, and that is on the capacity credit provisions,
13 particularly the hydrogen side of the capacity credit
14 provisions.

15 We definitely recognize the desire to support
16 these fuels getting into the market more quickly. We do
17 think that there is such a thing as too much though. And
18 we think that particularly on the hydrogen side, this hits
19 that level of being too much.

20 We did quite a bit of modeling that we submitted
21 with our comment over the last year, where used the latest
22 values from CEC and NREL to look at what the likely
23 performance of these are and show that it's likely to
24 deliver far in excess of what it actually costs to build
25 these stations, and so we have submitted some proposed

1 resolution language that instructs staff to look at these
2 the next opportunity at the next LCFS amendment to
3 determine whether they're set an efficient or appropriate
4 level. We recognize there is language in the provisions
5 before you.

6 But the language that's in the staff's package
7 really looks to see whether or not this is going to do
8 enough to achieve goals, particularly the Governor's
9 infrastructure targets. We think that that's not really a
10 concern, that this is certainly going to achieve those
11 goals. We think that it's likely that this is going to
12 provide too much and end up not being a cost effective way
13 to develop a strong and self-sustaining industry in the
14 situation.

15 And so we're just asking to have a little extra
16 attention paid to that over the next couple of years, and
17 we'll come back when there's more data from the program,
18 determine whether or not there's a more efficient way to
19 achieve the same goals.

20 Thank you.

21 CHAIR NICHOLS: Thank you.

22 MR. CAMPBELL: Good evening, Board, Madam Chair.
23 My name is Todd Campbell, Clean Energy.

24 You know, I've heard Richard, Sam, and Neil
25 mentioned but what about Floyd. I mean, Floyd, all

1 deserves some major recognition here.

2 (Laughter.)

3 MR. CAMPBELL: It's been a long time since we've
4 been working together on the Low Carbon Fuel Standard.
5 It's one of my favorite rules. And I think it does a lot
6 of good, and you're showing tremendous leadership, not
7 just here but in many other venues. And I'm very happy to
8 see that Oregon was here tonight, because we work with
9 Oregon too, and we'd like to add places like New York, and
10 Washington, and other venues.

11 CHAIR NICHOLS: Well, they'll be here tomorrow,
12 so...

13 MR. CAMPBELL: Oh, good.

14 (Laughter.)

15 CHAIR NICHOLS: Talking about auto standards.

16 MR. CAMPBELL: You know and we're very excited
17 about the new goal in 2030 with a 20 percent reduction.
18 One of the things that we love about this rule is that
19 it's fuel neutral, that it drives competition, it drives
20 innovation. And that is happening. You're seeing the
21 investments being made.

22 The one concern we do have, and it's the reason
23 why we're, you know, shyly neutral, and -- but really want
24 to be in the support category, because we love the rule,
25 is largely due to the capacity credit provision. We think

1 it takes the rule in another direction where we're worried
2 about the validity of the credits. We, as you know, filed
3 many amicus briefs in support of this program. We love
4 this program.

5 So, what Colin Murphy said, I would really like
6 to support some more consideration and thought in the next
7 go around. We don't want to get in the way of the rule.
8 We want to move forward. But I hope that there is some
9 more consideration. We also understand there's an
10 executive order, and there's marching to be done. But
11 this is a really important rule for us.

12 And so I just urge being careful. And with that,
13 it being so late, I'm feeling very generous, I'd like to
14 pull Ryan and Brandon off the speaker card. Four more
15 minutes back from me.

16 CHAIR NICHOLS: Okay. Great.

17 MS. CHI: Chair Nichols, Vice Chair Berg and
18 members of the Air Resources Board. Thank you so much for
19 the opportunity to provide these very brief comments, and
20 thank you so much to the staff for all the hard work over
21 the past three years on this rule.

22 Tesla's mission as a company is to accelerate the
23 world's transition to sustainable energy. The LCFS
24 regulation is directly supporting that transition. As
25 well as the goals in California with regards to

1 transportation electrification, climate and air quality.

2 The refinements and the proposal really represent
3 significant progress on all these fronts, and we support
4 its full adoption. With regards to the fuel rebate
5 program, we look forward for its availability to all
6 Californians who purchase EVs, and who are using these
7 clean fuels.

8 And thank you so much for Steve for helping
9 present that view for us. But on other topics, we will
10 continue to present our views to you directly.

11 Thank you.

12 (Laughter.)

13 CHAIR NICHOLS: Thank you.

14 All right. Jason Barbose. You may be the last
15 witness, unless there's another page. It looks likes
16 there's another page. It's coming.

17 Okay. You're not the last witness.

18 (Laughter.)

19 MR. BARBOSE: Hi there.

20 CHAIR NICHOLS: You're only the last on this
21 page.

22 MR. BARBOSE: Sorry, I missed that others were
23 passing over.

24 Good evening. Jason Barbose with the Union of
25 Concerned Scientists. Despite the challenge that the

1 State has had thus far, really bending the curve on
2 transportation emissions, the Low Carbon Fuel Standard is
3 the policy that gives me hope that we will succeed on that
4 endeavor. And that's because from day one this policy has
5 succeeded in increasing the use of alternative fuels in
6 the state. It's provided a clear market signal to
7 producers to shift to the lowest carbon feed stocks, and
8 production processes.

9 And so in sum, the program has been a resounding
10 success. And the amendments that you are voting on
11 shortly will be a big step forward setting up the program
12 well to grow in ambition over the next 12 years. So this
13 marathon hearing has not been quite as flashy as a bill
14 signing, but your vote tonight is a very big deal, and so
15 congratulations to staff and board for a job well done.

16 Very briefly, three small points to put in the
17 hopper for you. One, around the EV point-of-purchase
18 rebate, we are very supportive of that moving forward.
19 Obviously, the devil is always in the details, and we hope
20 that it -- this process allows for meaningful stakeholder
21 input going forward, particularly beyond the stakeholders
22 that have been involved thus far.

23 So I'll just raise that. Second, around hydrogen
24 fueling infrastructure credits, agree with many that they
25 should be monitored to make sure the level of support is

1 appropriate, and depending on the findings that a cap on
2 the total credits per station may be warranted in the
3 future.

4 And then lastly, around the new provisions
5 relating to carbon capture and sequestration, we agree
6 that those as well are a good addition to the program.
7 However, they, too, will require ongoing study, engagement
8 with stakeholders, and appropriate amendments in the near
9 future to address the methods, frequency, and duration for
10 post-injection monitoring of CCS projects.

11 So with that, I'll conclude.

12 Thank you.

13 CHAIR NICHOLS: Hi.

14 MR. WUNDER: Chairwoman Nichols, members of the
15 Board, my name is Andy Wunder. I am E2's western states
16 advocate. E2 is a national non-partisan group of American
17 businesses leaders and investors, who advocate for smart
18 policy and understand that what is good for the economy
19 can also be good for the environment and vice versa.

20 Our members have founded or funded more than
21 2,500 companies, created more than 600,000 jobs, and
22 managed more than \$100 billion in venture and private
23 equity capital. I'd like to start by thanking you, Board,
24 and the staff for all the great work you have done over
25 the years on the Low Carbon Fuel Standard. It is

1 certainly a policy that is driving leadership across the
2 globe.

3 I'm here on behalf of E2's 600 California members
4 to show strong business support for the staff's proposal
5 to strengthen and extend the Low Carbon Fuel Standard
6 through 2030. We strongly support the current proposal
7 being voted on today as very achievable. And ARB can go
8 even further than the 20 percent carbon intensity target
9 based on other fuel availability assessments.

10 The LCFS has a strong track record of success,
11 reducing carbon emissions, petroleum use, and public
12 health costs. The LCFS is also a powerful driver of
13 California's clean energy economy. These ambitious and
14 achievable standards provide the market signal uncertainty
15 for the investment that drives innovation. In fact, it is
16 programs like the LCF that makes California the nation's
17 leading clean energy economy.

18 Since 2011, \$2.8 billion have been invested in
19 clean fuel production in California. And this investment
20 in low carbon fuels generates jobs. More than 300
21 companies with more than 20,000 workers across California
22 working in the clean transportation technology industry.
23 And by diversifying us away from petroleum, the Low Carbon
24 Fuel Standard saves California families money at the pump.

25 This economic success story well be significantly

1 advanced under the proposed extension being considered
2 today. And it is because of these climate, public health,
3 and economic reasons E2 requests that the Board votes yes
4 on staff's proposal to strengthen and extend the Low
5 Carbon Fuel standard as proposed.

6 Thank you.

7 CHAIR NICHOLS: Perfect timing.

8 MR. SCHUCHARD: Good evening, Chair Nichols,
9 Board member. Ryan Schuchard with CALSTART. We continue
10 to enthusiastically support the LCFS, its recent
11 directions, and this -- point of proposal -- excuse me,
12 the point-of-purchase proposal specifically.

13 We commend the -- excuse me. We comment Vice
14 Chair Berg, also Eileen and Steve specifically, numerous
15 Board members, including Floyd.

16 (Laughter.)

17 MR. SCHUCHARD: Also the whole team. I think
18 everybody has done such a great job, and the utilities and
19 automakers that have put this together. We're very
20 excited about it. No caveats and requests. But I do want
21 to just take this moment to say that outside of the POP
22 proposal itself, we do all have our work continued to be
23 cut out for us to make sure that we have sufficient stable
24 incentives for EVs broadly. And we are particularly
25 concerned about the automakers who have done the most to

1 lead and which are hitting their federal caps and losing
2 support on the federal side. And wondering if, maybe as
3 we go forward, we can look for ways to either backstop or
4 fix that through the LCFS.

5 So thank you and look forward to helping make
6 this program a success.

7 CHAIR NICHOLS: Thank you.

8 MR. WAGNER: All right. Dear Chair, dear members
9 of the Board, dear staff, my name is Emanuel Wagner. I am
10 Deputy Director of the California Hydrogen Business
11 Council. Our industry represents 100 members in the fuel
12 cell and the hydrogen industry. And we are here to
13 support the ZEV capacity credit in the interests of time,
14 I'm going to cede my speaking time to Tim Brown of
15 FirstElement Fuel, one of our members, who will speak on
16 behalf of the industry.

17 MR. BROWN: Madam Chair, distinguished Board
18 members, thank you for the opportunity to speak today.
19 I'm Tim Brown from FirstElement Fuel. I'm one of the
20 founders. FirstElement is a California company dedicated
21 to the retail sales of hydrogen for our drivers of
22 zero-emission electric, hydrogen vehicles.

23 I'm joined here today by Robert Bienenfeld from
24 Honda, Bud Beebe and Emanuel Wagner from the California
25 Hydrogen Business Council, Wayne Leighty from Shell

1 Hydrogen, one of my partners Shane Stephens, Mike Lord
2 from Toyota. And we all strongly support the hydrogen
3 refueling infrastructure provision proposed in the LCFS
4 regulations.

5 I also want to support written comments from Air
6 Liquide, Hyundai, Mercedes-Benz, Nel, Linde, and United
7 Hydrogen. We represent a small portion of the large array
8 of stakeholders, including fuel companies, industrial gas
9 suppliers, automakers, public-private and environmental
10 organizations all working aggressively to reduce
11 greenhouse gas emissions, improve security, and ultimately
12 clean California air.

13 I'd be happy to go through the unique attributes
14 and positive attributes to hydrogen fueling infrastructure
15 provided by the hydrogen fueling infrastructure credit, as
16 well as the rigorous rulemaking process and all of the
17 provisions given by ARB to regulate this effectively. But
18 I'll take you at your word and I'll simply say we strongly
19 support it.

20 CHAIR NICHOLS: Thank you. Since the Board
21 members, many of them spoke on this issue at the last
22 meeting, I think they probably don't need the additional
23 briefing, but we appreciate your support. Thank you.

24 MR. O'DONNELL: Hi. Good evening. I'm John
25 O'Donnell with Glass Point. And I wanted to thank staff

1 and the Board for the work that you've done with us over
2 the years in creating and -- the innovative crude program
3 and making it possible for solar energy to --
4 participating and transforming the production and supply
5 of liquid fuels.

6 This -- the LCFS is creating a driving force that
7 is opening a fundamentally new market for solar energy.
8 Solar energy projects will be here in California reducing
9 combustion and NOx emissions in the communities that you
10 were just speaking to in the last session, and creating
11 permanent jobs here in the state.

12 We are grateful for the work that staff has done
13 in this round of amendments that address a number of
14 technical and commercial issues that will make it possible
15 for projects to be project financed. As you know, in
16 November, we announced the first of what we hope will be a
17 series of projects. Belridge Solar we expect, with the
18 adopt of these regulations, to move forward with a series
19 of these projects. And we agree with staff's assessment
20 that the petroleum sector could provide perhaps eight
21 percent of the total credits going forward. So we are --
22 we're very optimistic and we support adoption of these
23 amendments.

24 Thank you.

25 MS. REGE: Good evening, Chair Nichols and

1 members of the Board. I'm Julia Rege with the Association
2 of Global Automakers. In addition to our so support for
3 the clean fuel reward through the coalition presentation
4 provided earlier, Global Automakers and the Alliance of
5 Automobile Manufacturers want to offer our support for the
6 hydrogen refueling, and to DC fast charger capacity
7 credits today as well.

8 There's very specific targets for both of these
9 under the Governor's Executive Order. And as all -- we're
10 all working to increase electrification, we need
11 infrastructure development to keep pace with the growing
12 number of vehicles coming to market.

13 Some of the infrastructure, however, remains
14 expensive, and so in the interim it's important to use
15 smart policies to help temper those costs, and continue to
16 move infrastructure forward.

17 Thank you.

18 CHAIR NICHOLS: Thank you.

19 MS. VANOSTEN: Good evening, Madam Chair and
20 members. My name is Kathy VanOsten. I represent United
21 Airlines. I was here three years ago. We were trying to
22 encourage the inclusion of alternative jet fuel in the
23 last round of amendments to LCFS. We're thrilled that we
24 were able to be included in this round of amendments.

25 United Airlines, some of you may have heard last

1 week in San Francisco, we did a couple major things. One,
2 we launched the first international flight using
3 alternative jet fuel. That was the longest transatlantic
4 flight so far to date. So we're very excited about that.

5 This follows on the heels of two years ago a
6 launch at LAX, which the Assemblyman -- or Assemblyman
7 Hector De La Torre was at. We appreciate that. And Sam
8 joined us at the event last Friday.

9 Another major announcement that United has made
10 is that they have committed to reducing their greenhouse
11 gas emissions by 50 percent by 2050. Obviously,
12 alternative jet fuel is a foundation, it's a cornerstone,
13 of that effort. It's the biggest possible savings that we
14 can get. So we thank you, thank -- I want to thank your
15 staff obviously, Sam Wade and his team. We had some
16 wonderful discussions on the science. We got the carbon
17 intensity baseline correct. So we're thrilled with the
18 proposed amendments as they are, and encourage your
19 support.

20 Thank you.

21 CHAIR NICHOLS: Thank you.

22 MR. MAGGAY: Good evening, Chair Nichols, Board
23 members. My name is Kevin Maggay. I'm with SoCalGas.

24 First, I want to commend Sam Wade and his team.
25 It's been a long process. And throughout the process,

1 they've been very open and responsive which we appreciate.

2 We are pleased the exemption for fossil CNGs.
3 There's 150,000 gas gallon equivalents or less. This will
4 help in protecting small users of fossil CNG until they
5 can ultimately be moved to renewable gas.

6 While we are pleased with the exemption, we would
7 still like to see delayed implementation of the mandatory
8 reporting for all fossil CNG users as it will remain a
9 credit generating fuel until 2024.

10 Mandatory reporting in 2019 would be five years
11 prior to becoming a deficit fuel. In contrast, propane
12 users are required to report two years prior to becoming a
13 deficit fuel. We just want the same -- we just want CNG
14 to be treated the same.

15 We understand that this change isn't going to
16 happen today, but we do want to keep this issue in front
17 of the Board and staff and so it can be included in any
18 future revisions.

19 We also want to offer our help with the program.
20 As a natural gas utility, we do have capabilities, such as
21 data collection and outreach that would greatly benefit
22 the program. We surveyed transportation CNG users who
23 have not opted into the program yet. And we found that
24 about two-thirds of the folks that we -- that responded,
25 either didn't know the program -- about the program at all

1 or they have heard of it but knew very little.

2 We think we can help CARB staff in getting CNG
3 users informed and ready when requirements kick in.

4 Thank you.

5 CHAIR NICHOLS: Thank you.

6 Hi.

7 MR. HESSLER: Chris Hessler with AJW. We consult
8 with an increasingly diverse set of low carbon fuel
9 technology suppliers, and want to share just one thought
10 with the Board, and that is we're observing a shift in the
11 way investors are thinking about the market that you
12 should be sensitive to.

13 Increasingly, the LCFS is becoming a central
14 pillar in the investment thesis as compared to the
15 renewable fuels standard. That's largely because of the
16 stability of this program contrasted with increasing
17 uncertainty being injected into the federal fuels program.
18 So keep up the good work. You're doing great, but keep a
19 real close eye going forward on market stability
20 questions.

21 Thanks very much.

22 CHAIR NICHOLS: Thank you.

23 MR. LAWSON: Good evening, Chair Nichols and the
24 Board. Congratulations, you've made it. This is the last
25 one.

1 (Laughter.)

2 MR. LAWSON: I just want to say, you know, we
3 appreciate -- I -- Thomas Lawson, California Natura Gas
4 Vehicle Coalition. And on behalf of my members, I want to
5 offer our support for the Low Carbon Fuel Standard
6 program. We have and continue to be strong supporters and
7 want to see this program succeed.

8 We, you know, our excited with the engagement
9 that you heard today from folks in the biofuels industry,
10 biodeals and renewable natural gas and others that were
11 here to share why this program is important, and we
12 believe in their comments as well. I did want to say
13 that, you know, I know that we're not going to get into
14 all of it tonight, and we look forward. Our members, we
15 represent fuel providers, OEMs, utilities stand ready to
16 assist and engage with staff moving forward.

17 We appreciate all their support on some of the
18 earlier things that we discussed, and we look forward to
19 continuing to engage, and we just want to thank you for
20 your time, and as it's been said, and I'll be the last one
21 to say it, your endurance. There should be hashtag
22 somewhere.

23 Thank you again. Have a good evening.

24 (Laughter.)

25 CHAIR NICHOLS: It is one of the primary

1 qualifications for serving on this Board, is you have to
2 -- you just have to be willing to put in the time. But
3 people do it because -- they certainly don't get
4 compensated highly for this service. I think they do it,
5 because they think it's important and gratifying. So I
6 appreciate the acknowledgement, especially because
7 everybody always says how great the staff are, and, you
8 know, every once in a while we --

9 (Laughter.)

10 CHAIR NICHOLS: -- we like to get a compliment
11 too. So thank you.

12 (Laughter.)

13 CHAIR NICHOLS: It is time for us to bring this
14 to a close. I need to speak to -- I guess to Ellen Peter,
15 because I know this is a -- we have a number of different
16 items that are before us right now. And we saw -- I saw
17 this evening, at least one letter which I had not seen
18 before, which is commenting on the Environmental Impact
19 Report. And I just want to make sure that we have
20 addressed all the comments, or if we haven't that we give
21 you the time to do that.

22 CHIEF COUNSEL PETER: Thank you very much, Chair
23 Nichols, to give us the opportunity to address that.
24 There was a new comment that came in today, which is --
25 occasionally happens. And so that's why a -- separate

1 documents were being distributed. So I'd like to turn to
2 one of my lawyers, Gabriel Monroe, if you wanted to add
3 anything or make the assurance that we have everything
4 covered.

5 ATTORNEY MONROE: Thank you. Thank you, Chair
6 Nichols. I just wanted to clarify at today's Board
7 meeting, we did receive two additional comment letters
8 that raised potential environmental concerns. CARB staff
9 has prepared written responses to those comments, which
10 have been made available to the members of the Board. And
11 so they're there for you all to review. The responses are
12 fairly short, mostly referring back to clarifications to
13 similar comments that we've already responded to in the
14 larger responses to comments document.

15 So your approval of the reso -- the revised
16 resolution that you have now will include an approval of
17 those supplemental responses to comments.

18 CHAIR NICHOLS: I just found it. There's a large
19 stack of paper in front of me, so fortunately I have a
20 Vice Chair who can find things.

21 (Laughter.)

22 CHAIR NICHOLS: And so thank you.

23 All right. So let's see in what order we need to
24 deal with all of this.

25 I guess. I just want to make sure that I'm

1 covering all the different things that we need to vote on.
2 All right. We already -- we need to close the record, so
3 I'm now doing that. We've heard all the witnesses. And
4 written or oral comments received after this hearing date
5 will not be accepted as part of the record of this agenda
6 item. And the Board has in front of us 18-34, resolution
7 18-34.

8 Do any Board members wish to raise any additional
9 comments or questions before we proceed to a vote in?

10 Yes, you do. Okay. A question.

11 BOARD MEMBER SHERRIFFS: Thank you.

12 There seemed to be general agreement from across,
13 boy, NRDC, and Occidental Petroleum, and -- about
14 sequestration issues. And so this is something we're
15 going to be working on. When will this come back or is
16 there something that...

17 INDUSTRIAL STRATEGIES ASSISTANT DIVISION CHIEF
18 SAHOTA: Yes. Good evening. It's Rajinder here. We do
19 have a resolution text in front of you that on page eight
20 that says, "Be it further resolved, the Board directs the
21 Executive Officer to monitor development of CCS protocols
22 under the Low Carbon Fuel Standard and to propose
23 technical updates to the protocol, including the
24 monitoring requirements as needed.

25 The ask is that we continue to monitor the

1 science, and make sure that the protocol represents that
2 science as it becomes available. And so we did add a
3 provision in the resolution to reflect that ask.

4 BOARD MEMBER SHERRIFFS: Thank you.

5 CHAIR NICHOLS: Yes, Mr. Gioia.

6 BOARD MEMBER GIOIA: I may as well acknowledge
7 the good work of the Committee that you put together, the
8 facilitated effort --

9 CHAIR NICHOLS: Yes. Good. Good.

10 BOARD MEMBER GIOIA: -- between the automakers
11 and the utility companies. I think that is a really
12 important piece. Because especially as we lose the
13 federal tax credit, you know, I'm not sure any real chance
14 of extending that, we need to continue to work hard to
15 increase incentives at the point of sale, if we want to
16 keep momentum. So I appreciate that work.

17 And I just want to urge that we get this done as
18 quickly as possible, so it's in effect next -- before the
19 end of the year. Now, that's the goal, correct, that it
20 will be done before the end of the year.

21 VICE CHAIR BERG: Of 2019.

22 BOARD MEMBER GIOIA: Yes, correct, next year.

23 And I -- and I just had a question of -- to
24 staff. If you can respond to cort of the issue the
25 NextGen raised about reviewing the proposed capacity

1 credit pathways before the next amendment rulemaking to
2 address any -- you know, looking at that issue of
3 efficiency and level of support. Did you have any
4 comments about that?

5 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

6 Yes, I'd be happy to respond. This is Sam Wade.

7 So overall the capacity credits are a new
8 addition in the 15-day period, and something that we
9 believe is in line with the Governor's Executive Order of,
10 you know, getting five million ZEVs on the road by 2030.
11 So our approach, you know, is ambitious and is strong.
12 And I think you heard from Colin and others that they
13 believe it to be too generous or too strong. You know,
14 certainly, I think he even said this will achieve the
15 Executive Order, and, you know, potentially, you know,
16 will go beyond what is necessary to do so.

17 So we're committed to monitoring the provision as
18 we do all parts of the rule, and providing information
19 publicly about the costs that these stations are facing,
20 and the value that we're providing through these capacity
21 credits and the conventional, you know, sort of throughput
22 based credits.

23 And we'll be doing that in a way that is, you
24 know, transparent and available to these stakeholders, and
25 they can work with us to identify, once we have actual

1 data on these stations costs and revenues, if it's too
2 generous or not, and return to the Board at that point
3 with adjustments, if necessary.

4 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

5 Right. We --

6 BOARD MEMBER GIOIA: There's really not a need to
7 have to put a resolution -- they suggested -- they had
8 suggested some additional language in the resolution to
9 sort of memorialize that.

10 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

11 So the resolution contains an annual review of
12 the --

13 BOARD MEMBER GIOIA: Right.

14 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

15 -- whole program --

16 BOARD MEMBER GIOIA: Right.

17 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

18 -- which will, of course, include these
19 provisions.

20 BOARD MEMBER GIOIA: Got it.

21 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

22 And we also explicitly call out the need to
23 continue to work on these provisions moving forward.

24 BOARD MEMBER GIOIA: Great. Okay. Thank you,
25 Sam.

1 CHAIR NICHOLS: Well, I also was a little bit
2 caught by the testimony of UNICA, Ms. Phillips, mainly
3 because of the statements that we're not adequately
4 recognizing realities about the carbon profile of their
5 particular product. And I was going to ask whether you
6 thought we ought to schedule a trip to Brazil to --

7 (Laughter.)

8 CHAIR NICHOLS: -- verify the information.

9 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

10 Perhaps we should, because they're proposing a
11 similar program and they're embarking on, you know, a
12 significant policy effort to put basically a Brazilian
13 LCFS in place. So in the spirit of collaboration, we
14 should make such a trip.

15 But with respect to the --

16 (Laughter.)

17 BOARD MEMBER GIOIA: You'd be going to the --
18 you'd be going to the interior of the country, right?

19 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

20 Sure, right.

21 With respect to the concerns raised UNICA, they
22 with -- they have, I think, two issues. One is related to
23 monitoring of the rate of mechanization of the harvest of
24 the cane, and the second is related to the transport of
25 the sort of back-haul or the tankers returning to Brazil.

1 So I'll take those one at a time. So with
2 respect to mechanization, previously we had allowed
3 applicants to specify an individual level of mechanization
4 for the fields that they control. And that was really the
5 only case in the LCFS, where we had had detailed crediting
6 set up for ag phase activities.

7 So for corn ethanol there's nothing similar that
8 exists. And for Brazilian cane, we found that to actually
9 be challenging to implement across all the protocols or
10 all the applications that we had received. So what we did
11 this time is we did not include it in our tier one
12 applications of the simple straightforward applications.

13 You're still eligible to apply for a, what we
14 call, a tier two application, and include your level of
15 mechanization, if it meets our substantiality
16 requirements. So if it gets beyond a certain extra level
17 of reduction, we're willing to entertain it. So it's not
18 that we're ignoring those benefits of mechanizing the
19 harvest. It's that you have to demonstrate there's
20 significant additional benefit from your practices above
21 and beyond the industry average, which we're monitoring
22 and also updating every time we do a GREET update. So --

23 CHAIR NICHOLS: I knew you'd have an answer to
24 this question.

25 (Laughter.)

1 CHAIR NICHOLS: I appreciate it.

2 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

3 Yeah, with respect to back-haul emissions, this
4 has been an area of controversy, because up until this
5 point really the cane ethanol had not been assessed
6 back-haul emissions. Whereas, rail from the midwest
7 had -- had been assessed those emissions. And we're
8 trying to be uniform and fair in how we treat, you know,
9 all transport of the fuel too and the empty vessels back
10 to the locations where, you know, these fuels originate.

11 And as we continue to work with applicants, if
12 they can demonstrate again with this sort of level of
13 substantiality that they contract their vessels and have
14 that be third-party verified that they are not returning
15 empty, we're willing to entertain that, as a tier two
16 application, but we've not seen good quality data on that
17 across the industry.

18 CHAIR NICHOLS: But in both questions it's a
19 questions of submitting some additional data to you.

20 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

21 Yes, yes. And really, we're trying to simplify
22 the framework as has been suggested by Board Member
23 Sperling and others. And this was an attempt to do that.
24 But every time you simplify, you take away someone's
25 opportunity to receive some benefit.

1 CHAIR NICHOLS: Understood. Okay. Well, that
2 satisfies my questions.

3 Any others?

4 BOARD MEMBER MITCHELL: I do.

5 CHAIR NICHOLS: Yes, Ms. Mitchell.

6 BOARD MEMBER MITCHELL: One of the commenters
7 talked about a credit for multi-family residential
8 charging. Could you just talk about that and where we are
9 on that.

10 ISD TRANSPORTATION AND FUELS BRANCH CHIEF WADE:

11 Sure. I believe that was ChargePoint. And so
12 the issue here is that credits are generated when the
13 electric vehicles are charged at multi-family residences.
14 Currently, the utilities are the only entity eligible to
15 receive that credit. In our rulemaking this time around,
16 we did put out the possibility of moving that credit to
17 any entity, including entities like ChargePoint.

18 The concern there from the utilities and others
19 was if we did that, first, we'd have less value available
20 for this clean fuel rebate, and the other useful utility
21 programs, they already have set up.

22 Further, they have strong programs to promote the
23 installation of charging at multi-family residences. So
24 it really was attention of, you know, you can't give the
25 credit two places. We ended up sticking with leaving it

1 with the utilities in this proposal before you today.

2 BOARD MEMBER MITCHELL: Okay. Thank you. Thank
3 you for that explanation.

4 CHAIR NICHOLS: Yes. Dr. Sperling.

5 BOARD MEMBER SPERLING: Thank you.

6 So, of course, you know, the -- as many people
7 have said, you know, the team here, Sam Wade, it's really
8 extraordinary what they've done. This is one of the
9 premier efforts I've seen over a number years for any
10 program. And you can see how Sam responds to every --
11 details for every question, and they understand it. They
12 talked to all the stakeholders. It really is impressive.

13 But, you know, I want to compliment -- also,
14 there's a record that was made today, I think. The
15 audience that commenters, there was an 82 percent rate of
16 written comments of all of the presenters. I think that's
17 a new all-time record.

18 (Laughter.)

19 BOARD MEMBER SPERLING: And so you want to --

20 CHAIR NICHOLS: And that's because people are
21 taking this so seriously, or, they --

22 BOARD MEMBER SPERLING: Or they like to write
23 or --

24 (Laughter.)

25 BOARD MEMBER SPERLING: And that doesn't even --

1 yeah.

2 So I do -- you know, truly this has been an
3 extraordinary effort over the years. And this has become,
4 as a few people have said, really an extraordinarily
5 important program. You know, the fact that it started
6 to -- it's being imitated in Brazil. Canada is
7 adopting -- is adopting a program based upon this same --
8 what California has done. Oregon, British Columbia. So
9 it is spreading. It is becoming important. And it is --
10 you know, there is no other policy aimed at the
11 transportation fuels that's really a broad policy anywhere
12 in the world that's anywhere near as effective.

13 So this has become important. The changes that
14 are made here are -- each of those -- many of them are
15 extremely important, the -- providing the credits that
16 turn into a point-of-purchase sale, clean fuels program,
17 adding another \$2,000 or so. And that's not taxpayer
18 money, by the way. So that's important. The CCS
19 program -- carbon capture and sequestration. We've been
20 struggling for a long time to figure out how do we
21 incentivize that. And that is going to be a hugely
22 important part of the 21st century in terms of a
23 transition to a low carbon future.

24 We're playing, I think, a very important
25 instrumental role in that. The fast charge -- the fast

1 charge and hydrogen credits, again hugely important in
2 stimulating innovation, and especially in this particular
3 case, leveraging a lot of investment. That would not
4 happen otherwise.

5 And the staff is -- you know, as was discussed,
6 is going to be monitoring all of this. And that's good.
7 Lots of, you know, things happen we can't anticipate. In
8 fact, the program is quite different than we expected it
9 to be.

10 So anyway, I just want to say -- and adding jet
11 fuel in, that's a really important innovation. And again,
12 incentivizing investments, that wouldn't -- in ways that
13 wouldn't happen, much more so than would happen otherwise.

14 So this is great. It's very impressive. Staff
15 is great. The commenters are great. The Board is great.

16 (Laughter.)

17 BOARD MEMBER SPERLING: I need a glass of wine.

18 (Laughter.)

19 BOARD MEMBER SPERLING: Ethanol fuel.

20 (Laughter.)

21 CHAIR NICHOLS: All right. The hour is also
22 late.

23 All right. May I have a motion then in support
24 of port of the package here.

25 BOARD MEMBER BALMES: So moved.

1 CHAIR NICHOLS: All right.

2 And a second?

3 BOARD MEMBER DE LA TORRE: Second.

4 CHAIR NICHOLS: Thank you.

5 All in favor, please aye?

6 (Unanimous aye vote.)

7 Any opposed?

8 Any abstentions?

9 (Board Member Takvorian abstained.)

10 BOARD MEMBER TAKVORIAN: Yes, one abstention.

11 CHAIR NICHOLS: Oh, and abstention. Okay. We
12 have -- we will note that Ms. Takvorian abstained.

13 Thank you.

14 Okay. Oh, public comment. Are there people who
15 signed up?

16 BOARD CLERK DAVIS: Tomorrow.

17 CHAIR NICHOLS: For tomorrow.

18 Okay. You mean, we're actually done.

19 Do we have to leave?

20 Oh, Okay. Thank you. We starting -- we were
21 scheduled to start at 8:30. 8:30.

22 (Thereupon the Air Resources Board meeting
23 adjourned at 7:21 p.m.)

24

25


C E R T I F I C A T E O F R E P O R T E R

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California Air Resources Board meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed, under my direction, by computer-assisted transcription;

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of October, 2018.



JAMES F. PETERS, CSR
Certified Shorthand Reporter
License No. 10063